



Journal of the Senate

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CALL TO ORDER

The Senate was called to order by President Jennings at 9:30 a.m. A quorum present—28:

Madam President	Childers	King	Mitchell
Bronson	Clary	Klein	Myers
Brown-Waite	Diaz-Balart	Kurth	Rossin
Burt	Forman	Latvala	Saunders
Campbell	Geller	Laurent	Scott
Carlton	Grant	McKay	Sebesta
Casas	Hargrett	Meek	Thomas

Excused: Conferees periodically for the purpose of working on Transforming Florida Schools: Senator Cowin, Chairman; Senators Horne, Lee, Sullivan and Webster; Alternate: Senator McKay; Conferees periodically for the purpose of working on School Readiness: Senator Cowin, Chairman; Senators Holzendorf and Kirkpatrick; Alternate: Senator Myers

PRAYER

The following prayer was offered by Dr. Bill Groover, Pastor, East Hill Baptist Church, Tallahassee:

Almighty God, we lift our legislature and our government before you this morning because they stand between us in servitude, injustice, slavery and ethnic cleansing. The United States is free, and Serbia under oppression, not because we are born with pure hearts and Albanians are not; we are free because we have government of the people, by the people, for the people as ordained by you.

We gather in this Senate chamber, this temple of democracy, to celebrate and to perpetuate freedom. We ask courage and direction for our Senators that they may do what is right for the people of Florida. We ask for direction and leadership for this body that through them you might give help for preventing violence in our schools.

We ask your blessings upon the people of Littleton, Colorado, our prisoners of war and other military personnel in Eastern Europe, our Governor and other state leaders and upon our President. God bless Florida. God bless the United States of America. Amen.

PLEDGE

Senate Pages Greg Brown of Milton and Marlena Martinez of Pembroke Pines, led the Senate in the pledge of allegiance to the flag of the United States of America.

ADOPTION OF RESOLUTIONS

At the request of Senator Saunders—

By Senator Saunders—

SR 2684—A resolution recognizing suicide as a state problem and encouraging initiatives aimed at preventing suicide.

WHEREAS, suicide, the ninth leading cause of all deaths in the United States and the third such cause for young persons ages 15 through 24, claims more than 31,000 lives annually nationwide, and

WHEREAS, suicide attempts, estimated to exceed 750,000 annually nationwide, adversely affect the lives of millions of family members, including many Floridians, and

WHEREAS, suicide annually causes more than 200,000 family members nationwide, including many Floridians, to mourn a tragic death, and

WHEREAS, the suicide rate per 100,000 persons has remained relatively stable over the past 40 years for the general population, but that rate has nearly tripled for young persons and is highest for adults over 65, and

WHEREAS, the stigma associated with mental illness works against suicide prevention by keeping persons who are at risk of committing suicide from seeking lifesaving help, and

WHEREAS, the stigma associated with suicide seriously inhibits surviving family members from regaining meaningful lives, and

WHEREAS, suicide deaths impose a huge unrecognized and unmeasured economic burden on the State of Florida in terms of potential years of life lost, medical costs incurred, and work time lost by mourners, and

WHEREAS, suicide is a complex, multifaceted biological, sociological, psychological, and societal problem, and

WHEREAS, many suicides are currently preventable, and there is an urgent need for the development of more effective suicide-prevention programs, and

WHEREAS, suicide-prevention opportunities continue to increase due to advances in clinical research, treatments for mental disorders, neuroscience, and the development of community-based initiatives that await evaluation, and

WHEREAS, suicide-prevention efforts should be encouraged to the maximum extent possible, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate recognizes suicide as a state problem and declares suicide prevention to be a state priority; acknowledges that no single suicide-prevention program or effort will be appropriate for all populations or communities; and encourages initiatives dedicated to preventing suicide, responding to people who are at risk for suicide and people who have attempted suicide, promoting safe and effective treatment for persons who are at risk for suicidal behavior, supporting people

who have lost someone to suicide, and developing an effective state strategy for the prevention of suicide.

BE IT FURTHER RESOLVED that this body encourages the development and promotion of accessible and affordable mental health services that would enable all persons who are at risk for suicide to obtain such services without fear of any stigma.

—**SR 2684** was introduced, read and adopted by publication.

At the request of Senator Grant—

By Senator Grant—

SR 2700—A resolution commending the New York Yankees for winning the 1998 World Series and for their contributions to the State of Florida.

WHEREAS, Major League Baseball's New York Yankees are owned by George M. Steinbrenner, a productive and valued resident of the City of Tampa, Florida, and

WHEREAS, the Yankees, 24-time World Champions, conduct their annual spring training in this state as well as maintaining in this state their year-round player development training facility for both their major league and minor league players, and

WHEREAS, the presence of the Yankees organization in this state provides an economic boost to the state, and

WHEREAS, members of the New York Yankees who either live in or are from this state include players Derek Jeter, Joe Girardi, David Cone, Tino Martinez, and Coach Don Zimmer, and

WHEREAS, the Yankees, characterized by Time Magazine as the "best team ever," had an outstanding 1998 season, winning 125 games and losing only 50, and

WHEREAS, the Yankees capped the season by winning first the American League Eastern Division title, then the American League pennant, and ultimately the 1998 World Series, to win the World Series for the second time in 3 years, and

WHEREAS, Yankees Manager Joe Torre did an extraordinary job of managing the team through its amazing 1998 season, his third with the team, after a long and stellar career as a major league player, and

WHEREAS, it is fitting and appropriate that the members of the Florida Senate commend an organization that is responsible for so much benefit to the State of Florida, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the New York Yankees are commended for their record-setting season and for winning the 1998 World Series.

BE IT FURTHER RESOLVED that owner George M. Steinbrenner, Manager Joe Torre, all Yankees coaches and players, and the entire Yankees organization are further commended, not only for their distinguished accomplishments on behalf of Major League Baseball, but also for their many contributions to the State of Florida.

—**SR 2700** was introduced, read and adopted by publication.

At the request of Senator Thomas—

By Senator Thomas—

SR 2704—A resolution commending the Florida Commission on Human Relations for contributions to this state.

WHEREAS, the 1969 Florida Legislature enacted the Human Rights Act, which established the Florida Commission on Human Relations for the purpose of enforcing Florida's anti-discrimination laws, and

WHEREAS, state and federal laws have expanded the jurisdiction of the commission to prohibit discrimination in housing, employment, pub-

lic lodging, food service establishments, and private clubs because of race, color, religion, sex, handicap, national origin, or marital status, and

WHEREAS, in the area of housing, discrimination is prohibited due to familial status, and

WHEREAS, 30 years of progress have now been achieved by the Florida Commission on Human Relations, and this progress is being celebrated in 1999 with a 30th Anniversary Jubilee, and

WHEREAS, the commission's mission is to promote and encourage fair treatment of and equal access to opportunities for all citizens of Florida and to promote mutual understanding and respect among all Floridians by reducing intolerance, antagonism, and intergroup tension through education, legislation, and enhancement of public awareness, and

WHEREAS, as we approach the new millennium, more people share neighborhoods, work, school, and social relationships across racial and cultural lines than ever before, and

WHEREAS, despite our progress, prejudice persists, and

WHEREAS, the commission, as an advocate of human rights, will continue to join hands with advocates throughout our state to rededicate itself to the spirit of freedom, justice, and equality that initiated the passage of the establishing legislation 30 years ago, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Commission on Human Relations is commended for its outstanding accomplishments in promoting human rights and eliminating discrimination as it celebrates three historic decades of moving this state ever closer to the goal of "One Florida."

—**SR 2704** was introduced, read and adopted by publication.

At the request of Senator Thomas—

By Senator Thomas—

SR 2710—A resolution recognizing April 15, 1999, as "Florida 4-H Day."

WHEREAS, the Florida 4-H program includes 315,524 children and 11,040 volunteers and brings together resources of local, state, and federal governments with committed citizens and the private sector, and

WHEREAS, the Florida 4-H program participants, who dedicate themselves to "learn by doing," are involved in a diverse array of projects, from animal science to xeriscaping, and

WHEREAS, the Florida 4-H members and volunteers are dedicated to community service, devoting tens of thousands of hours to their schools, their communities, and their state, and

WHEREAS, the 1999 state project, "4-H's Helping the Hungry," encourages clubs and individual 4-H'ers to help alleviate hunger in their communities through actions such as collecting food for the needy, volunteering time with hunger-relief groups such as food banks and soup kitchens, and holding fund raisers, donating the earnings to the fight against hunger, and

WHEREAS, the Florida 4-H members are actively engaged in citizenship and leadership activities which enable them to be productive members of society and to contribute to the greater good of all mankind, and

WHEREAS, the Florida 4-H program performs an invaluable service in the part it plays in preparing today's youth for the future, while encouraging them to be leaders, not only of tomorrow, but also of today, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate pauses in its deliberations to express its appreciation of the efforts of the Florida 4-H program and to recognize April 15, 1999, as "Florida 4-H Day."

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the Florida 4-H Foundation as a tangible token of the sentiments of the Florida Senate.

—SR 2710 was introduced, read and adopted by publication.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator McKay, by two-thirds vote **CS for SB 1258** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator McKay, by two-thirds vote **CS for SB 2134** was withdrawn from the Committee on Fiscal Policy.

MOTIONS

On motion by Senator McKay, a deadline of 8:00 p.m. this day was set for filing amendments to Bills on Third Reading and the Special Order Calendar to be considered Tuesday, April 27.

REPORTS OF COMMITTEES RELATING TO GUBERNATORIAL APPOINTMENTS

The Honorable Toni Jennings April 23, 1999
President, The Florida Senate

Dear President Jennings:

The following executive appointments were referred to the Senate Committee on Gubernatorial Appointments and Confirmations for action pursuant to Rule 12.7(a) of the Rules of the Florida Senate:

	<i>For Term Ending</i>
<i>Office and Appointment</i>	
Capital Collateral Regional Counsel - Southern Region Appointee: Dupree, Neal A.	09/30/2000
Florida Citrus Commission Appointees: Alexander, John R. Brewer, Walter L. Chapman, Tristan G. Luther, John M. Richey, Daniel R.	05/31/2002 05/31/2002 05/31/2002 05/31/2002 05/31/2001
Florida Communities Trust Appointee: Myrick, Virginia D.	01/31/2003
State Board of Community Colleges Appointee: Kirby, James P.	09/30/1999
Board of Trustees of Brevard Community College Appointees: Martinez, Miriam E. Silvernail, Sarah O. Williams, Alexandra Penn	05/31/2002 05/31/2001 05/31/2002
Board of Trustees of Broward Community College Appointees: Douglass, Georgette S. Garrido, Lourdes L. Williams, Levi G.	05/31/2002 05/31/2001 05/31/2002
Board of Trustees of Central Florida Community College Appointees: Ebitz, Mari-Elain C. Little, Bernard L., Jr. Lofton, Elizabeth C. McCrimmon, Edith L. Rasbury, Frank M. Stafford, Frank E., Jr.	05/31/2001 05/31/2003 05/31/2001 05/31/2002 05/31/2002 05/31/2001
Board of Trustees of Chipola Junior College Appointees: Gatlin, Manuel R. Padgett, John W. Plummer, Mark S. Stuart, Virginia C. Taylor, Brenda G.	05/31/2001 05/31/2002 05/31/2002 05/31/2001 05/31/2001
Board of Trustees of Daytona Beach Community College Appointees: Burden, Beatriz H. Callender, Lynnette J.	05/31/2002 05/31/2002

Office and Appointment

*For Term
Ending*

Gardner, James E. Mallory, Peter E. Paul, Mary Ann M.	05/31/2001 05/31/2001 05/31/2001
Board of Trustees of Edison Community College Appointees: Deal, Frederick A. Gorvine, William Reiman, Cathy S. Serentill, Luis H. Snow, Marie F.	05/31/2001 05/31/2002 05/31/2002 05/31/2002 05/31/2001
Board of Trustees of Florida Community College at Jacksonville Appointees: Asay, Linda H. Fryer, Thomas W., Jr. Lockett, Earlene T. Smith, Emily B. Thamm, Suanne Z. Winbush, Wyman C. II	05/31/2002 05/31/2002 05/31/2001 05/31/2002 05/31/2001 05/31/2001
Board of Trustees of Florida Keys Community College Appointees: Almeda, Patricia A. Bell-Thomson, Jennifer S. Butler, Frank H. Clark, Mona C.	05/31/2001 05/31/2002 05/31/2002 05/31/2001
Board of Trustees of Gulf Coast Community College Appointees: Cramer, William C., Jr. Duren, George W. Mayo, Clinton V. Rice, Lillie M. Roberson, Ralph C. Roche, Hugh V.	05/31/2002 05/31/2002 05/31/2001 05/31/2001 05/31/2001 05/31/2002
Board of Trustees of Hillsborough Community College Appointees: Gonzalez, W. Edward Hill, Chappella I. Huggins, Thomas III Watkins, Nancy H.	05/31/2002 05/31/2002 05/31/2001 05/31/2001
Board of Trustees of Indian River Community College Appointees: Abernethy, Bruce R., Sr. Hoag, Charlene E. Kirton, Cheryl L. Murphy, Thomas R. Rowley, Jane E. Sanchez, Angelo J.	05/31/2002 05/31/2001 05/31/2002 05/31/2002 05/31/2001 05/31/2002
Board of Trustees of Lake City Community College Appointees: Chastain, John M. Hires, Richard L. Landon, Stevie H. McInnis, Kathryn L. Norris, Suzanne M. Richardson, Julia M.	05/31/2002 05/31/2002 05/31/2002 05/31/2001 05/31/2001 05/31/2001
Board of Trustees of Lake-Sumter Community College Appointees: Cavanaugh, Linda K. Gilley, Raymond Hays, D. Alan Marshall, W. Jon Norman, Joe M. Pruitt, William R.	05/31/2001 05/31/2001 05/31/2001 05/31/2002 05/31/2002 05/31/2002
Board of Trustees of Manatee Community College Appointees: Carlson, Rosemary R. DuPont, Francis I. III Fogarty, Julia B. Saslaw, Jennifer M. Smith, James W. Vogler, Edward II Watts, Mary M.	05/31/2001 05/31/2002 05/31/2000 05/31/2001 05/31/2002 05/31/2001 05/31/2000
Board of Trustees of Miami-Dade Community College Appointees: Bucelo, Armando J., Jr. Calderin, Carolina E. Ferre, Helen A.	05/31/2001 05/31/2002 05/31/2001

<i>Office and Appointment</i>	<i>For Term Ending</i>	<i>Office and Appointment</i>	<i>For Term Ending</i>
Martinez, Roberto	05/31/2002	Hartt, Joan H.	05/31/2002
Mincey-Mills, Denise R.	05/31/2001	Kirschner, Louis H.	05/31/2001
Board of Trustees of North Florida Community College		Vickers, Audrey	05/31/2002
Appointees: Brashear, Richard H.	05/31/2002	Board of Trustees of Tallahassee Community College	
Land, Betty E.	05/31/2001	Appointees: Callaway, Donna G.	05/31/2002
Lowe, Jane T.	05/31/2001	Doster, Russell S.	05/31/2002
McLeod, W. Nolan	05/31/2002	Hill, Mary L.	05/31/2001
Poole, Donna Maggert	05/31/2002	Messersmith, Frank S.	05/31/2002
Wilson, Michaelena C.	05/31/2001	Miller, Dolores S.	05/31/2001
Board of Trustees of Okaloosa-Walton Community College		Payne, John A.	05/31/2001
Appointees: Anchors, Larry Y.	05/31/2002	Board of Trustees of Valencia Community College	
Campbell, Elizabeth S.	05/31/2001	Appointees: Buchanan, Jerry	05/31/2001
Hall, Connie S.	05/31/2002	Freytes, Dennis O.	05/31/2002
Henderson, Joseph W.	05/31/2001	Mathis, Jacinta M.	05/31/2001
Szilvasy, Joyce A.	05/31/2002	Miller, Galen	05/31/2002
Thornton, William	05/31/2001	Moore, Edward A.	05/31/2002
Board of Trustees of Palm Beach Community College		VanMeter, Jeanne S.	05/31/2001
Appointees: Baumel, Susan K.	05/31/1999	Education Practices Commission	
Dominicis, Jorge A.	05/31/2001	Appointees: Brooks, Roy	09/30/2002
Watt, James L.	05/31/2002	Brummond, Toni F.	09/30/2002
Williams, Carolyn L.	05/31/2001	Davis, James E.	09/30/2002
Board of Trustees of Pasco-Hernando Community College		Education Standards Commission	
Appointees: Barnette, Thomas E.	05/31/2001	Appointees: Bouzianis, Stephen	09/30/2000
Braak, Judith F.	05/31/2002	Brashear, Judy C.	09/30/2001
Case, Jean M.	05/31/1999	Coto, Norma E.	09/30/2001
Gavish, Jeanne M.	05/31/2002	Edwards, Janis L.	09/30/2000
Musunuru, Rao	05/31/2001	Farmer, Diane A.	09/30/2001
Parker, Judy R.	05/31/2002	George, Anthony, Jr.	09/30/1999
Taylor, Sharon O.	05/31/2001	Hebert, Scott F.	09/30/2000
Board of Trustees of Pensacola Junior College		Horn, Patricia S.	09/30/2000
Appointees: Carlan, Carol H.	05/31/2001	Horton, John W.	09/30/2000
Goodman, Antoinette L.	05/31/2002	Johnson, Katherine M.	09/30/2001
Robertson, Elba W.	05/31/2001	Lafferty, Gerald F.	09/30/2000
Saxon, R. Michael	05/31/2001	Leftwich, Paula J.	09/30/2001
Tait, Thomas D.	05/31/2002	Long, John	09/30/1999
Usry, Dona W.	05/31/2002	Magee, Molly	09/30/2000
Board of Trustees of Polk Community College		Pepper, Martha Moore	09/30/1999
Appointees: Ely, Twyla G.	05/31/2001	Pippin, James W.	09/30/2001
Moore, Thomas W.	05/31/2001	Proctor, William Lee	09/30/2001
Pinner, Ernest S.	05/31/2001	Rodriguez-Walling, Matty	09/30/2001
Ross, Cynthia H.	05/31/2002	Board of Funeral Directors and Embalmers	
Santiago, Martha	05/31/2001	Appointee: Baxley, Dennis K.	10/31/2002
Board of Trustees of St. Johns River Community College		Game and Fresh Water Fish Commission	
Appointees: Cone, Barbara H.	05/31/2002	Appointee: Roberts, Edwin P.	01/05/2004
Price, Laurie	05/31/2001	Investment Advisory Council	
Sloan, Preston B.	05/31/2002	Appointees: Bjorkman, Russell L.	12/12/2002
Steinmetz, Virginia H.	05/31/2002	Grant, Randi K.	12/12/1999
Stern, Karen R.	05/31/2001	Hernandez, Gilberto Juan	12/12/2002
Stilwell, Anna R.	05/31/2001	Marine Fisheries Commission	
Board of Trustees of St. Petersburg Junior College		Appointees: Huffman, H. A.	08/01/2002
Appointees: Johnston, W. Richard	05/31/2002	Rood, John D.	08/01/2002
Jones, Susan D.	05/31/2002	Parole Commission	
Welch, Kenneth T.	05/31/2001	Appointees: Dunphy, Frederick B.	06/30/2002
Board of Trustees of Santa Fe Community College		Henry, Jimmie Lee	06/30/2004
Appointees: Bradley, Winston J.	05/31/2002	Tampa Port Authority	
Brashear, Glenna F.	05/31/2002	Appointee: Diaz, Joseph F.	11/14/2002
Davis, James A., Jr.	05/31/2001	Postsecondary Education Planning Commission	
Jackson, Bessie G.	05/31/2001	Appointee: Dassler, Brian W.	08/31/1999
McRae, Arley W.	05/31/2002	Florida Public Service Commission	
Board of Trustees of Seminole Community College		Appointees: Clark, Susan F.	01/01/2003
Appointees: Miller, Sidney C.	05/31/2002	Deason, J. Terry	01/01/2003
Pugh, Verdel R.	05/31/2003	Board of Regents	
Schaffner, Deanne F.	05/31/2001	Appointees: Henriques, Adolfo	01/01/2000
Board of Trustees of South Florida Community College		Oyola, Michelle C.	09/01/1999
Appointees: DeLatorre, Gary	05/31/2002	Florida Transportation Commission	
Goodman, Sharon T.	05/31/2001		

<i>Office and Appointment</i>	<i>For Term Ending</i>
Appointees: Brown, C. David II	09/30/2002
Durden, K. Earl	09/30/2002
Kennedy, Art W.	09/30/2001
Governing Board of the Northwest Florida Water Management District	
Appointees: Bodie, Marvin Wayne	03/01/2003
Estes, Joyce S.	03/01/2003
Gaskin, Sharon T.	03/01/2000
McMullian, Lloyd Earl, Jr.	03/01/2003
Price, Joel R.	03/01/2000
Governing Board of the St. Johns River Water Management District	
Appointees: Albright, Robert C.	03/01/2003
Jennings, Jeffrey K.	03/01/2003
Kerr, William W.	03/01/2000
Long, Ometrias D.	03/01/2003
Ottenstroer, Duane L.	03/01/2000
Governing Board of the South Florida Water Management District	
Appointees: Collins, Michael	03/01/2002
Fernandez, Gerardo	03/01/2003
Gleason, Patrick J.	03/01/2003
Gutierrez, Nicolas J., Jr.	03/01/2000
Thornton, Harkley R.	03/01/2000
Williams, Trudi K.	03/01/2003
Governing Board of the Southwest Florida Water Management District	
Appointees: Coogler, Monroe A.	03/01/2003
Duncan, Ronnie E.	03/01/2002
Haynes, Watson L. II	03/01/2002
Menendez, Brenda	03/01/2000
Renke, John K. III	03/01/2003
Taylor, Pamela Stinnette	03/01/2002
Governing Board of the Suwannee River Water Management District	
Appointees: Davidson, Charles L.	03/01/2003
Everett, Donald R., Jr.	03/01/2003
Tatum, Sylvia J.	03/01/2000

Clary	Hargrett	Laurent	Rossin
Diaz-Balart	King	McKay	Saunders
Forman	Klein	Meek	Scott
Geller	Kurth	Mitchell	Sebasta
Grant	Latvala	Myers	Thomas

Nays—None

Vote after roll call:

Yea—Dyer, Gutman, Horne, Silver, Webster

VOTE RECORDED

Senator Holzendorf was recorded as voting “nay” on the appointment of Art W. Kennedy to the Florida Transportation Commission.

The Honorable Toni Jennings April 23, 1999
President, The Florida Senate

Dear President Jennings:

The following executive appointment was referred to the Senate Committee on gubernatorial appointments and confirmations for action pursuant to Rule 12.7(a) of the Rules of the Florida Senate:

<i>Office and Appointment</i>	<i>For Term Ending</i>
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Board of Trustees of Seminole Community College	05/31/2002
Appointee: Kovaleski, Charles J.	

The Senate Committee on gubernatorial appointments and confirmations has failed to consider this appointment because:

- a) Mr. Charles J. Kovaleski has resigned.

Based on the foregoing, the Senate Committee on gubernatorial appointments and confirmations respectfully advises and recommends that the Senate take no action on this appointment during the 1999 Regular Session.

Respectfully submitted,
William G. “Doc” Myers, Chairman

On motion by Senator Myers, the report was adopted and the Senate failed to consider the appointment identified in the foregoing report of the committee to the office and for the term indicated in accordance with the recommendation of the committee.

By direction of the President, the rules were waived and the Senate proceeded to—

SPECIAL ORDER CALENDAR

Consideration of **CS for SB 1474** and **SB 664** was deferred.

On motion by Senator Diaz-Balart—

SB 2240—A bill to be entitled An act relating to trust funds; reenacting and amending s. 373.41495, F.S.; creating the Lake Belt Mitigation Trust Fund within the South Florida Water Management District; providing for sources of moneys and purposes; providing an exemption from termination; providing a contingent effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **SB 2240** to **HB 325**.

Pending further consideration of **SB 2240** as amended, on motion by Senator Diaz-Balart, by two-thirds vote **HB 325** was withdrawn from the Committees on Natural Resources; Comprehensive Planning, Local and Military Affairs; Fiscal Resource; and Fiscal Policy.

As required by Rule 12.7(a), the committee caused to be conducted an inquiry into the qualifications, experience, and general suitability of the above-named appointees for appointment to the offices indicated. In aid of such inquiry the committee held a public hearing at which members of the public were invited to attend and offer evidence concerning the qualifications, experience, and general suitability of the appointees.

After due consideration of the findings of such inquiry and the evidence adduced at the public hearing, the Committee on gubernatorial appointments and confirmations respectfully advises and recommends that:

- 1) the executive appointment of the above-named appointees, to the offices and for the terms indicated, be confirmed by the Senate.
- 2) Senate action on said appointments be taken prior to the adjournment of the 1999 Regular Session; and
- 3) there is no necessity known to the committee for the deliberations on said appointments to be held in executive session.

Respectfully submitted,
William G. “Doc” Myers, Chairman

On motion by Senator Myers, the report was adopted and the Senate confirmed the appointments identified in the foregoing report of the committee to the offices and for the terms indicated in accordance with the recommendation of the committee. The vote was:

Yeas—28

Madam President	Brown-Waite	Campbell	Casas
Bronson	Burt	Carlton	Childers

On motion by Senator Diaz-Balart, by two-thirds vote—

HB 325—A bill to be entitled An act relating to trust funds; amending s. 373.41495, F.S.; creating the Lake Belt Mitigation Trust Fund within the South Florida Water Management District; providing for sources of moneys and purposes; providing an exemption from termination; providing a contingent effective date.

—a companion measure, was substituted for **SB 2240** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 325** was placed on the calendar of Bills on Third Reading.

On motion by Senator Diaz-Balart, by two-thirds vote **HB 329** was withdrawn from the Committees on Natural Resources; Comprehensive Planning, Local and Military Affairs; and Fiscal Resource.

On motion by Senator Diaz-Balart, by two-thirds vote—

HB 329—A bill to be entitled An act relating to limerock mining; amending s. 373.4149, F.S., relating to the Miami-Dade County Lake Belt Plan; providing legislative intent; revising description of land included in the Miami-Dade County Lake Belt Area; providing for local land use jurisdiction and for land use compatibility within the Lake Belt Area; requiring certain notice of mining activities; revising membership of the Miami-Dade County Lake Belt Plan Implementation Committee; providing additional requirements for Phase II of the Lake Belt Plan; extending the existence of the implementation committee; deleting requirement for development of a comprehensive mitigation plan; creating s. 373.41492, F.S.; imposing a mitigation fee on commercial extraction of limerock and sand from the Lake Belt Area; providing an exemption; providing procedures for collection, report, and disposition of fees; providing for enforcement and penalties; providing duties and authority of the Department of Revenue; providing for rules; providing for annual indexed fee increases after a specified date; providing purpose of fees for wetlands mitigation and specifying uses; requiring approval of expenditures by an interagency committee; providing membership of the committee; providing that payment of the fee satisfies certain mitigation requirements; providing for suspension of the fee under certain circumstances; requiring interagency committee reports to the South Florida Water Management District and the Legislature; amending ss. 373.4415 and 378.4115, F.S.; correcting references to conform to the county's name change; providing severability; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2238** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 329** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1072** was deferred.

On motion by Senator Laurent—

CS for CS for SB 1672—A bill to be entitled An act relating to water resources; creating s. 373.1501, F.S.; providing definitions; providing legislative findings and intent; providing for acquisition of certain lands by eminent domain; requiring land to be acquired in accordance with state condemnation law; authorizing the South Florida Water Management District to act as local sponsor of the Central and Southern Florida Flood Control Project for specified project features; providing for oversight by the Department of Environmental Protection; requiring specified compliance by the South Florida Water Management District; providing requirements for development of project components; requiring the Department of Environmental Protection and the water management district to pursue implementation of certain project modifications; amending s. 373.026, F.S.; requiring the department to approve project components; providing an effective date.

—was read the second time by title.

Senator Laurent moved the following amendment which was adopted:

Amendment 1 (115640)—On page 6, delete line 11 and insert: *components should complement and should*

Pursuant to Rule 4.19, **CS for CS for SB 1672** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Grant—

CS for SB 2068—A bill to be entitled An act relating to trusts and trust powers; amending s. 737.306, F.S.; revising standards governing when a successor trustee is not under a duty to institute an action against a prior trustee or the prior trustee's estate; creating s. 737.2035, F.S.; providing for costs and attorney's fees in trust proceedings; providing applicability; amending s. 660.41, F.S.; excluding certain banks or associations and trust companies from a prohibition against exercising certain powers and duties and acting within certain capacities in this state; providing effective dates.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 2068** to **CS for HB 1659**.

Pending further consideration of **CS for SB 2068** as amended, on motion by Senator Grant, by two-thirds vote **CS for HB 1659** was withdrawn from the Committees on Banking and Insurance; and Judiciary.

On motion by Senator Grant, by two-thirds vote—

CS for HB 1659—A bill to be entitled An act relating to trusts and trust powers; creating s. 737.2035, F.S.; providing for costs and attorney's fees in trust proceedings; providing applicability; requiring attorneys to give notice to trustees in specified circumstances; allowing courts to adjust attorney's fees when notice is late amending s. 737.306, F.S.; revising standards governing when a successor trustee is not under a duty to institute an action against a prior trustee or the prior trustee's estate; providing an effective date.

—a companion measure, was substituted for **CS for SB 2068** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 1659** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 2410**, **CS for SB 1314**, **CS for SB 2522** and **CS for CS for SB 1760** and **SB 924** was deferred.

CS for SB 2540—A bill to be entitled An act relating to the commercial space industry; amending s. 196.012, F.S.; redefining the term "governmental purpose"; amending ss. 212.031, 212.08, F.S.; providing for exemptions from the tax on sales, use, and other transactions; revising the application of the sales tax exemption for machinery and equipment used to increase productive output with respect to such machinery and equipment used in connection with spaceport activities; amending s. 288.063, F.S.; authorizing the Spaceport Florida Authority to enter into contracts for transportation projects; amending s. 288.075, F.S.; adding the Spaceport Florida Authority to a list of economic development agencies whose records are confidential; amending s. 288.35, F.S.; redefining the term "government agency"; amending s. 288.9415, F.S.; authorizing the Spaceport Florida Authority to apply for international trade grants; amending s. 331.305, F.S.; authorizing Spaceport Florida Authority personnel to participate in specified education and training; amending s. 331.309, F.S.; providing that funds of the authority may be deposited with the Florida Commercial Space Financing Corporation; creating s. 331.3475, F.S.; providing for the Spaceport Facility Loan Guarantee Program; creating part III of ch. 331, F.S., the Florida Commercial Space Financing Corporation Act; providing findings and intent; providing definitions; creating the Florida Commercial Space Financing Corporation; specifying the functions the corporation is authorized to carry out; providing for a board of directors of the corporation and for qualifications and appointment of members; providing powers of the corporation and the board; providing for fees; providing for rules; providing for insurance, coinsurance, loan guarantees, and loans for eligible space-related

transactions; directing the board to establish an account to receive specified resources; providing for deposits in the account and for allocation of the account's resources; providing for appointment of a president of the corporation; providing powers and duties of the president; requiring an annual report; providing for development of a research design to evaluate the corporation; providing for a review and evaluation of the corporation by the Office of Program Policy Analysis and Government Accountability; providing for periodic reviews and reports by the Division of Banking; authorizing the Spaceport Florida Authority to pledge certain revenues to guarantee corporation loans; creating s. 331.365, F.S.; creating the Florida Space Industry and Research Facility Development Program within the Spaceport Florida Authority; providing that sales tax revenues collected at the Kennedy Space Center Visitor Complex and distributed to the authority shall be used to fund certain approved projects; providing duties of the Office of Tourism, Trade, and Economic Development; providing for audits; amending s. 212.20, F.S.; providing for distribution of the state taxes collected pursuant to ch. 212, F.S., at the Kennedy Space Center Visitor Complex to the Spaceport Florida Authority; providing for a minimum annual distribution; creating s. 331.367, F.S.; creating the Spaceport Management Council within the Spaceport Florida Authority; providing that the council shall make recommendations regarding specified areas; providing for an executive board and the membership thereof; providing for selection of members of the council's Space Industry Committee; providing duties of the council; providing duties with respect to a spaceport master plan; providing for development and annual updating of a Spaceport Economic Development Plan; providing for development of certain training programs; providing that the council shall recommend projects to be funded pursuant to the Florida Space Industry and Research Facility Development Program; providing for review of such recommendations by the Department of Community Affairs and the Office of Tourism, Trade, and Economic Development; creating the Florida Space Research Institute; prescribing the purposes of the institute; providing for management and operation of the institute; requiring a report; providing an appropriation; providing an effective date.

—was read the second time by title.

The Committee on Fiscal Policy recommended the following amendment which was moved by Senator Bronson:

Amendment 1 (484218)(with title amendment)—On page 40, line 26 through page 41, line 2, delete those lines and insert:

Section 16. *The implementation of section 331.3475, Florida Statutes, as created by this act, which creates the Spaceport Facility Loan Guarantee Program, and the implementation of part III of chapter 331, Florida Statutes, as created by this act, which creates the Florida Commercial Space Financing Corporation Act, are contingent upon a specific appropriation for Fiscal Year 1999-2000.*

And the title is amended as follows:

On page 4, delete line 3 and insert: requiring a report; making the implementation of specified provisions contingent upon specific appropriations;

Senator Bronson moved the following substitute amendment which was adopted:

Amendment 2 (970732)(with title amendment)—On page 40, line 26 through page 41, line 2, delete those lines and redesignate subsequent section.

And the title is amended as follows:

On page 4, delete line 3 and insert: requiring a report;

The Committee on Fiscal Policy recommended the following amendment which was moved by Senator Bronson:

Amendment 3 (693940)—On page 39, line 24 through page 40, line 25, delete those lines and insert:

Section 15. (1) *There is hereby created the Florida Space Research Institute, the principal purposes of which are to function as a customer-driven, academic center of excellence for sponsored research and development activities supporting the space industry; to expose individuals to knowledge and skills conducive to employment in space-related occupations and thereby help address the workforce development needs of the*

space industry; and to facilitate linkages between the private-sector, government, and educational institutions that will help foster the development of the commercial space industry in this state.

(2) *The institute shall be managed by the University of Florida and shall be operated on property at Cape Canaveral owned or leased by the Spaceport Florida Authority, or otherwise under the authority's control.*

(3) *Florida State University, the University of Central Florida, the Florida Institute of Technology, and the University of Miami may serve as partners in the institute under agreements executed with the University of Florida.*

(4) *The institute shall function as a public-private partnership, and to that end, the research activities of the institute shall be based upon sponsored research contracts executed between the institute and space-industry businesses. Such contracts shall govern issues including, but not limited to, the scope of research projects, the timeframes for completion of research projects, and the financing of research projects.*

(5) *By August 1, 1999, the institute shall establish an advisory committee comprised, at a minimum, of representatives of space-related businesses, a representative of the Spaceport Florida Authority, and a representative of Enterprise Florida, Inc., to provide strategic guidance on the mission and activities of the institute.*

(6) *By December 1, of each year, the institute shall submit a report on its activities and accomplishments for the prior fiscal year to the Governor, the President of the Senate, and the Speaker of the House of Representatives. As part of this report, the institute shall make findings and recommendations, in consultation with the advisory committee, regarding actions the state should take to enhance the effectiveness of the institute and to further the development of space-related business in the state.*

Senator Kirkpatrick moved the following substitute amendment which was adopted:

Amendment 4 (884880)—On page 39, line 24 through page 40, line 25, delete those lines and insert:

Section 15. (1) *There is created the Florida Space Research Institute the purpose of which is to serve as an industry-driven center for research, leveraging the state's resources in a collaborative effort to support Florida's space industry and its transition to commercialization.*

(2) *The institute shall operate as a public/private partnership under the direction of a board comprised of representatives of the Spaceport Florida Authority, Enterprise Florida, Inc., the Florida Aviation and Aerospace Alliance, and four additional space industry representatives selected by the core membership of the board.*

(3) *The board of the Florida Space Research Institute shall:*

(a) *Set the strategic direction for the institute including research priorities, the scope of research projects, and the timeframes for completion.*

(b) *Invite the participation of public and private universities including, but not limited to, the University of Central Florida, the University of Florida, the University of South Florida, Florida State University, Florida Institute of Technology, and the University of Miami.*

(c) *Select a lead university to serve as coordinator of research and as the administrative entity of the institute.*

(4) *By December 1 of each year, the institute shall submit a report of its activities and accomplishments for the prior fiscal year to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report shall also include recommendations regarding actions the state should take to enhance the development of space-related businesses, including:*

(a) *Future research activities.*

(b) *The development of capital and technology assistance to new and expanding industries.*

(c) *The removal of regulatory impediments.*

(d) *The establishment of business development incentives.*

(e) *The initiation of education and training programs to ensure a skilled workforce.*

The Committee on Fiscal Policy recommended the following amendment which was moved by Senator Bronson:

Amendment 5 (303036)(with title amendment)—On page 40, between lines 25 and 26, insert:

Section 16. *Florida Commercial Space Development Incentive Program.*—

(1)(a) *The Legislature finds that attracting, retaining, and providing favorable conditions for the growth of commercial space facilities provides widespread economic benefits to the public through high-quality employment opportunities in such facilities and in related facilities attracted to the state, through the increased tax base provided by such facilities and businesses in related sectors, through an enhanced entrepreneurial climate in the state and the resulting business and employment opportunities, and through the stimulation and enhancement of the state's universities and community colleges. In the global economy, there exists serious and fierce international competition for commercial space facilities, and in most instances, when all available resources for economic development have been used, the state continues to encounter severe competitive disadvantages in vying for these high-impact business facilities.*

(b) *The Legislature therefore declares that sufficient resources shall be available to respond to such extraordinary economic opportunities and to compete effectively for these commercial space facilities and related businesses, including but not limited to facilities and businesses related to a reusable launch vehicle or similar space-transportation system.*

(2) *There is created within the Office of Tourism, Trade, and Economic Development the Florida Commercial Space Development Incentive Program.*

(3)(a) *Enterprise Florida, Inc., shall evaluate individual proposals for commercial space business facilities and forward recommendations regarding the use of moneys under the program for such facilities to the director of the Office of Tourism, Trade, and Economic Development. Such evaluation and recommendation must include, but need not be limited to:*

1. *A description of the type of facility, its business operation, and the product or service associated with the facility.*

2. *The number of full-time-equivalent jobs that will be created by the facility and the total estimated average annual wages of those jobs.*

3. *The cumulative amount of investment to be dedicated to the facility within a specified period.*

4. *A statement of any special impacts the facility is expected to stimulate in a particular business sector in the state or regional economy or in the state's universities and community colleges.*

5. *A statement of environmental or regulatory issues involved with the project.*

6. *A statement in which Enterprise Florida, Inc., must indicate that in its best judgment the commercial space business facility project will not occur at the proposed site in Florida without the use of the incentive program.*

7. *A statement on the manner in which program funds will be used under the project.*

(b) *The business must have provided a performance bond that guarantees the creation of jobs for at least 10 years.*

(c) *The high-impact business facility must create at least 1,000 jobs, or create at least 300 jobs in a rural community or a distressed urban-core community. The jobs to be created must pay a wage that exceeds the average wage in the affected community by 20 percent, and the employer must provide a health-benefit package for employees.*

(3) *Upon receipt of the evaluation and recommendation from Enterprise Florida, Inc., the director shall recommend approval or disapproval of a project for receipt of funds under the Florida Commercial Space*

Development Incentive Program to the Governor. In recommending a commercial space business facility, the director shall include proposed performance conditions that the facility must meet to obtain incentive funds. The Governor shall consult with the President of the Senate and the Speaker of the House of Representatives before giving approval for a project.

(4) *Upon approving a project, the Governor, through the director of the Office of Tourism, Trade, and Economic Development, shall initiate a budget amendment under chapter 216, Florida Statutes, requesting a specific amount for an approved project to be paid from the State Transportation Trust Fund. Any funds approved under such process for payment from the State Transportation Trust Fund must be reimbursed by the Legislature during the succeeding fiscal year.*

(5)(a) *Upon the approval of the budget amendment, the director of the Office of Tourism, Trade, and Economic Development and the commercial space business shall enter into a contract that sets forth the conditions for payment of moneys under this program. The contract must include the total amount of funds awarded; the performance conditions that must be met to obtain the award, including, but not limited to, net new employment in the state, average salary, and total capital investment; the methodology for validating performance; the schedule of payments under the program; the manner in which funds will be utilized; and sanctions for failure to meet performance conditions.*

(b) *Enterprise Florida, Inc., shall validate contractor performance. Such validation shall be reported within 6 months after completion of the contract to the Governor, the President of the Senate, and the Speaker of the House of Representatives.*

And the title is amended as follows:

On page 4, line 3, after the semicolon (;) insert: *providing legislative findings and declarations with respect to the global competition that is encountered by the state in attracting commercial space business facilities; creating the Florida Commercial Space Development Incentive Program within the Office of Tourism, Trade, and Economic Development; requiring Enterprise Florida, Inc., to evaluate and recommend high-impact commercial space facilities eligible for a payment of moneys; providing eligibility criteria; requiring that such payments be approved by the Governor, following consultation with the President of the Senate and the Speaker of the House of Representatives; requiring initiation of a budget amendment to obtain funds from the State Transportation Trust Fund; requiring reimbursement to the trust fund; providing certain requirements for the contract awarding moneys; requiring Enterprise Florida, Inc., to validate contractor performance; providing for a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives;*

Consideration of **Amendment 5** was deferred.

Senator Sebesta moved the following amendment which was adopted:

Amendment 6 (653330)(with title amendment)—On page 4, line 7, insert:

Section 1. Paragraph (d) of subsection (3) of section 330.30, Florida Statutes, 1998 Supplement, is amended to read:

330.30 Approval of airport sites and licensing of airports; fees.—

(3) EXEMPTIONS.—The provisions of this section do not apply to:

(d) An airport under the jurisdiction or control of a county or municipal aviation authority or a county or municipal port authority or the *Spaceport Florida Authority*; however, the department shall license any such airport if such authority does not elect to exercise its exemption under this subsection.

Section 2. Subsection (25) is added to section 331.303, Florida Statutes, to read:

331.303 Definitions.—

(25) *"Spaceport discretionary capacity improvement projects" means capacity improvements that enhance space transportation capacity at spaceports that have had one or more orbital or suborbital flights during the previous calendar year or have an agreement in writing for installa-*

tion of one or more regularly scheduled orbital or suborbital flights upon the commitment of funds for stipulated spaceport capital improvements.

Section 3. Section 331.304, Florida Statutes, is amended to read:

331.304 Spaceport territory.—The following property shall constitute spaceport territory:

(1) Certain real property located in Brevard County that is included within the 1998 boundaries of Patrick Air Force Base, Cape Canaveral Air Station, John F. Kennedy Space Center. ~~with the following boundaries:~~

- ~~(a) Northern boundary—Latitude 28°32'30" North.~~
- ~~(b) Eastern boundary—The mean high water line of the shore along the Atlantic Ocean.~~
- ~~(c) Western boundary—Cape Road (State Road 401).~~
- ~~(d) Southern boundary—Latitude 28°26' North.~~

(2) Certain real property located in Gulf County with the following boundaries:

- (a) Northern boundary—Latitude 29°40'45" North from longitude 85°20' West in a westerly direction to the mean high water line of the Gulf of Mexico.
- (b) Eastern boundary—Longitude 85°20' West.
- (c) Western boundary—The mean high water line of the shore along the Gulf of Mexico.
- (d) Southern boundary—The mean high water line of the shore along the Gulf of Mexico.

(3) *Certain real property located in Santa Rosa, Okaloosa, and Walton Counties which is included within the 1997 boundaries of Eglin Air Force Base.*

Section 4. Section 331.360, Florida Statutes, is amended to read:

331.360 Joint project agreement or assistance.—

(1) *It shall be the duty, function, and responsibility of the Department of Transportation to promote the further development and improvement of aerospace transportation facilities, to address intermodal requirements and impacts of the launch ranges, spaceports, and other space transportation facilities, to assist in the development of joint-use facilities and technology that support aviation and aerospace operations, and to facilitate and promote cooperative efforts between federal and state government entities to improve space transportation capacity and efficiency. In carrying out this duty and responsibility, the department may assist and advise, cooperate with, and coordinate with federal, state, local, or private organizations and individuals. The department may administratively house its space transportation responsibilities within an existing division or office.*

(2) Notwithstanding any other provision of law, the Department of Transportation may enter into a joint project agreement with, or otherwise assist, the Spaceport Florida Authority as necessary to effectuate the provisions of this chapter and may allocate funds for such purposes in its 5-year work program. However, the department may not fund the administrative or operational costs of the authority.

(3) *The authority shall develop a spaceport master plan for expansion and modernization of space transportation facilities within spaceport territories as defined in s. 331.303(22). The plan shall contain recommended projects to meet current and future commercial, national, and state space transportation requirements. The authority shall submit the plan to any appropriate M.P.O. for review of intermodal impacts. The authority shall submit the spaceport master plan to the Department of Transportation and such plan may be included within the department's 5-year work program of qualifying aerospace discretionary capacity improvement under s. 331.360(4). The plan shall identify appropriate funding levels and include recommendations on appropriate sources of revenue that may be developed to contribute to the State Transportation Trust Fund.*

(4) *Subject to the availability of appropriated funds, the department may participate in the capital cost of eligible spaceport discretionary capacity improvement projects. The annual legislative budget request shall be based on the proposed funding requested for approved spaceport discretionary capacity improvement projects.*

Section 5. Section 332.008, Florida Statutes, is created to read:

332.008 *Limitation on operation of chapter.—Nothing in this chapter shall be construed to authorize expenditure of aviation fuel tax revenues on space transportation projects. Nothing in this chapter shall be construed to limit the department's authority under s. 331.360.*

Section 6. Subsection (31) of section 334.03, Florida Statutes, is amended to read:

334.03 Definitions.—When used in the Florida Transportation Code, the term:

(31) "Transportation facility" means any means for the transportation of people ~~and~~ property from place to place which is constructed, operated, or maintained in whole or in part from public funds. The term includes the property or property rights, both real and personal, which have been or may be established by public bodies for the transportation of people ~~or~~ property from place to place.

Section 7. Subsection (6) is added to section 334.30, Florida Statutes, to read:

334.30 Private transportation facilities.—The Legislature hereby finds and declares that there is a public need for rapid construction of safe and efficient transportation facilities for the purpose of travel within the state, and that it is in the public's interest to provide for the construction of additional safe, convenient, and economical transportation facilities.

(6) *Notwithstanding s. 341.327, a fixed-guideway transportation system authorized by the department to be wholly or partially within the department's right-of-way pursuant to a lease granted under s. 337.251 may operate at any safe speed.*

Section 8. Paragraph (d) of subsection (2) of section 339.155, Florida Statutes, is amended, present paragraphs (w) and (x) of that subsection are redesignated as paragraphs (x) and (y), respectively, and a new paragraph (w) is added to that subsection, to read:

339.155 Transportation planning.—The department shall develop and annually update a statewide transportation plan, to be known as the Florida Transportation Plan. The plan shall be designed so as to be easily read and understood by the general public.

(2) DEVELOPMENT CRITERIA.—The Florida Transportation Plan shall consider the needs of the entire state transportation system, examine the use of all modes of transportation to effectively and efficiently meet such needs, and provide for the interconnection of all types of modes in a comprehensive intermodal transportation system. In developing the Florida Transportation Plan, the department shall consider the following:

(d) International border crossings and access to ports, airports, spaceports, intermodal transportation facilities, major freight distribution routes, national parks, recreation and scenic areas, monuments and historic sites, and military installations.

(w) *The spaceport master plan approved by the Spaceport Florida Authority.*

Section 9. Paragraph (a) of subsection (2), paragraph (b) of subsection (5), paragraph (a) of subsection (6), paragraphs (a) and (c) of subsection (7), and paragraph (a) of subsection (9) of section 339.175, Florida Statutes, 1998 Supplement, are amended to read:

339.175 Metropolitan planning organization.—It is the intent of the Legislature to encourage and promote the development of transportation systems embracing various modes of transportation in a manner that will maximize the mobility of people and goods within and through urbanized areas of this state and minimize, to the maximum extent feasible, and together with applicable regulatory government agencies, transportation-related fuel consumption and air pollution. To accomplish these objectives, metropolitan planning organizations, referred to

in this section as M.P.O.'s, shall develop, in cooperation with the state, transportation plans and programs for metropolitan areas. Such plans and programs must provide for the development of transportation facilities that will function as an intermodal transportation system for the metropolitan area. The process for developing such plans and programs shall be continuing, cooperative, and comprehensive, to the degree appropriate, based on the complexity of the transportation problems.

(2) VOTING MEMBERSHIP.—

(a) The voting membership of an M.P.O. shall consist of not fewer than 5 or more than 19 apportioned members, the exact number to be determined on an equitable geographic-population ratio basis by the Governor, based on an agreement among the affected units of general-purpose local government as required by federal rules and regulations. The Governor, in accordance with 23 U.S.C. s. 134, as amended by the Intermodal Surface Transportation Efficiency Act of 1991, may also provide for M.P.O. members who represent municipalities to alternate with representatives from other municipalities within the designated urban area that do not have members on the M.P.O. County commission members shall compose not less than one-third of the M.P.O. membership, except for an M.P.O. with more than 15 members located in a county with a five-member county commission or an M.P.O. with 19 members located in a county with no more than 6 county commissioners, in which case county commission members may compose less than one-third percent of the M.P.O. membership, but all county commissioners must be members. All voting members shall be elected officials of general-purpose governments, except that an M.P.O. may include, as part of its apportioned voting members, a member of a statutorily authorized planning board, or an official of an agency that operates or administers a major mode of transportation, or an official of the *Spaceport Florida Authority*. In metropolitan areas in which authorities or other agencies have been, or may be, created by law to perform transportation functions that are not under the jurisdiction of a general-purpose local government represented on the M.P.O., they shall be provided voting membership on the M.P.O. The county commission shall compose not less than 20 percent of the M.P.O. membership if an official of an agency that operates or administers a major mode of transportation has been appointed to an M.P.O.

(5) POWERS, DUTIES, AND RESPONSIBILITIES.—The powers, privileges, and authority of an M.P.O. are those specified in this section or incorporated in an interlocal agreement authorized under s. 163.01. Each M.P.O. shall perform all acts required by federal or state laws or rules, now and subsequently applicable, which are necessary to qualify for federal aid. It is the intent of this section that each M.P.O. shall be involved in the planning and programming of transportation facilities, including, but not limited to, airports, intercity and high-speed rail lines, seaports, and intermodal facilities, to the extent permitted by state or federal law.

(b) In developing the long-range transportation plan and the transportation improvement program required under paragraph (a), each M.P.O. must, at a minimum, consider:

1. The preservation of existing transportation facilities and, where practical, ways to meet transportation needs by using existing facilities more efficiently;
2. The consistency of transportation planning with applicable federal, state, and local energy conservation programs, goals, and objectives;
3. The need to relieve congestion and prevent congestion from occurring where it does not yet occur;
4. The likely effect of transportation policy decisions on land use and development and the consistency of transportation plans and programs with all applicable short-term and long-term land use and development plans;
5. The programming of transportation enhancement activities as required by federal law;
6. The effect of all transportation projects to be undertaken in the metropolitan area, without regard to whether such projects are publicly funded;

7. The provision of access to seaports, airports, *spaceports*, intermodal transportation facilities, major freight distribution routes, national and state parks, recreation areas, monuments and historic sites, and military installations;

8. The need for roads within the metropolitan area to efficiently connect with roads outside the metropolitan area;

9. The transportation needs identified through the use of transportation management systems required by federal or state law;

10. The preservation of rights-of-way for construction of future transportation projects, including the identification of unused rights-of-way that may be needed for future transportation corridors and the identification of corridors for which action is most needed to prevent destruction or loss;

11. Any available methods to enhance the efficient movement of freight;

12. The use of life-cycle costs in the design and engineering of bridges, tunnels, or pavement;

13. The overall social, economic, energy, and environmental effects of transportation decisions;

14. Any available methods to expand or enhance transit services and increase the use of such services; and

15. The possible allocation of capital investments to increase security for transit systems.

(6) LONG-RANGE PLAN.—Each M.P.O. must develop a long-range transportation plan that addresses at least a 20-year planning horizon. The plan must include both long-range and short-range strategies and must comply with all other state and federal requirements. The long-range plan must be consistent, to the maximum extent feasible, with future land use elements and the goals, objectives, and policies of the approved local government comprehensive plans of the units of local government located within the jurisdiction of the M.P.O. The approved long-range plan must be considered by local governments in the development of the transportation elements in local government comprehensive plans and any amendments thereto. The long-range plan must, at a minimum:

(a) Identify transportation facilities, including, but not limited to, major roadways, airports, seaports, *spaceports*, commuter rail systems, transit systems, and intermodal or multimodal terminals that will function as an integrated metropolitan transportation system. The long-range plan must give emphasis to those transportation facilities that serve national, statewide, or regional functions, and must consider the goals and objectives identified in the Florida Transportation Plan as provided in s. 339.155.

In the development of its long-range plan, each M.P.O. must provide affected public agencies, representatives of transportation agency employees, private providers of transportation, other interested parties, and members of the general public with a reasonable opportunity to comment on the long-range plan. The long-range plan must be approved by the M.P.O.

(7) TRANSPORTATION IMPROVEMENT PROGRAM.—Each M.P.O. shall, in cooperation with the state and affected public transportation operators, develop a transportation improvement program for the area within the jurisdiction of the M.P.O. In the development of the transportation improvement program, each M.P.O. must provide affected public transit agencies, representatives of transportation agency employees, private providers of transportation, other interested parties, and members of the general public with a reasonable opportunity to comment on the transportation improvement program.

(a) Each M.P.O. is responsible for developing, annually, a list of project priorities and a transportation improvement program. The transportation improvement program will be used to initiate federally aided transportation facilities and improvements as well as other transportation facilities and improvements including transit, rail, aviation, *spaceport*, and port facilities to be funded from the State Transportation Trust Fund within its metropolitan area in accordance with existing and subsequent federal and state laws and rules and regulations related

thereto. The transportation improvement program shall be consistent, to the maximum extent feasible, with the approved local government comprehensive plans of the units of local government whose boundaries are within the metropolitan area of the M.P.O.

(c) The transportation improvement program must, at a minimum:

1. Include projects and project phases to be funded with state or federal funds within the time period of the transportation improvement program and which are recommended for advancement during the next fiscal year and 4 subsequent fiscal years. Such projects and project phases must be consistent, to the maximum extent feasible, with the approved local government comprehensive plans of the units of local government located within the jurisdiction of the M.P.O. For informational purposes, the transportation improvement program shall also include a list of projects to be funded from local or private revenues.

2. Include projects within the metropolitan area which are proposed for funding under 23 U.S.C. s. 134 of the Federal Transit Act and which are consistent with the long-range plan developed under subsection (6).

3. Provide a financial plan that demonstrates how the transportation improvement program can be implemented; indicates the resources, both public and private, that are reasonably expected to be available to accomplish the program; and recommends any innovative financing techniques that may be used to fund needed projects and programs. Such techniques may include the assessment of tolls, the use of value capture financing, or the use of congestion pricing. The transportation improvement program may include a project or project phase only if full funding can reasonably be anticipated to be available for the project or project phase within the time period contemplated for completion of the project or project phase.

4. Group projects and project phases of similar urgency and anticipated staging into appropriate staging periods.

5. Indicate how the transportation improvement program relates to the long-range plan developed under subsection (6), including providing examples of specific projects or project phases that further the goals and policies of the long-range plan.

6. Indicate whether any project or project phase is inconsistent with an approved comprehensive plan of a unit of local government located within the jurisdiction of the M.P.O. If a project is inconsistent with an affected comprehensive plan, the M.P.O. must provide justification for including the project in the transportation improvement program.

7. Indicate how the improvements are consistent, to the maximum extent feasible, with affected seaport, and airport, and spaceport master plans and with public transit development plans of the units of local government located within the jurisdiction of the M.P.O.

(9) AGREEMENTS.—

(a) Each M.P.O. shall execute the following written agreements, which shall be reviewed, and updated as necessary, every 5 years:

1. An agreement with the department clearly establishing the cooperative relationship essential to accomplish the transportation planning requirements of state and federal law.

2. An agreement with the metropolitan and regional intergovernmental coordination and review agencies serving the metropolitan areas, specifying the means by which activities will be coordinated and how transportation planning and programming will be part of the comprehensive planned development of the area.

3. An agreement with operators of public transportation systems, including transit systems, commuter rail systems, airports, and seaports, and spaceports, describing the means by which activities will be coordinated and specifying how public transit, commuter rail, aviation, and seaport, and aerospace planning and programming will be part of the comprehensive planned development of the metropolitan area.

Section 10. *Commission on the Future of Aeronautics and Space in Florida.*—

(1) *The Legislature finds that the aviation and aerospace industries comprise an important segment of Florida's present and future economy.*

Yet, there exists intense nationwide competition for future development of these industries. The state has the resources to help these industries meet the challenges and opportunities of competition and to establish itself as a prime location for aviation and aerospace industries, thus creating a prime environment for economic development and employment opportunities. However, effective action and the necessary coordination of resources must be based on a reliable assessment of the present climate for such industries in the state. Further, the various options available for legislative action should be carefully considered.

(2) *There is created the Commission on the Future of Aeronautics and Space in Florida. The commission shall be composed of the following 11 members:*

(a) *The chairs of the Transportation Committees of the Senate and the House of Representatives.*

(b) *A representative of the Aviation Office of the Department of Transportation, appointed by the Secretary of Transportation.*

(c) *A representative of the Spaceport Florida Authority, appointed by the board of supervisors of the authority.*

(d) *Two members appointed by the Governor who are not members of the Legislature.*

(e) *Two members appointed by the President of the Senate.*

(f) *Two members appointed by the Speaker of the House of Representatives.*

(g) *An active manager of an airport in Florida appointed by the Florida Airport Manager's Association.*

(3) *The members appointed pursuant to paragraphs (2)(d), (e), and (f), shall be selected so as to equitably provide knowledge concerning and experience in the following areas: commercial aviation; aviation manufacturing; aviation operations and maintenance; aerospace manufacturing; aerospace operations and maintenance; and aeronautics-related education.*

(4) *The members of the commission shall be appointed within 30 days after the effective date of this act. The commission shall serve until adjournment sine die of the 2001 Regular Session of the Legislature. Vacancies on the commission shall be filled in the same manner as the original appointment.*

(5) *Upon appointment of its members, the commission shall meet to organize and select a chair and vice chair. Meetings shall be held upon the call of the chair, but not less frequently than quarterly.*

(6) *The members of the commission shall serve without compensation but shall be entitled to be reimbursed for per diem and travel expenses as provided in section 112.061, Florida Statutes. The Department of Transportation shall provide administrative staff support and travel and per diem expenses for the commission.*

(7) *The commission shall:*

(a) *Survey current state and local laws, ordinances, and rules that affect the development and regulation of the aviation and aerospace industries in Florida and recommend ways in which these regulations can be streamlined and revised to operate more efficiently. The commission should also consider whether regulation and oversight in the fields of aviation and aerospace should be centralized under one governmental agency.*

(b) *Examine the ways in which aviation and aerospace industries, including the component elements of manufacturing, assembly, marketing, servicing, maintenance, logistical support, human resources, and related research and development, can be attracted to locate permanently in the state, and recommend actions that can be taken by state and local governments to accomplish this goal.*

(c) *Review existing studies to evaluate the availability of commercial air services in Florida, identify underserved locations, and recommend actions that can be taken to improve the availability, efficiency, and economy of the state's commercial air services.*

(d) Identify the advances that can be expected in the future in aeronautics and aerospace operations, air transport, aeronautical education, and other aeronautical areas, and make recommendations regarding how the state can anticipate, encourage, and accommodate such advances.

(e) Identify aid that is available at the federal level to assist in efforts to improve Florida's aeronautical and aerospace competitive position, and recommend ways in which the state can be most effective in obtaining that aid.

(f) Determine whether Florida's secondary and postsecondary schools are producing a highly qualified workforce in sufficient numbers to meet the needs of the aviation and aerospace industries.

(8) The commission shall prepare a preliminary report of its findings and recommendations by December 1, 2000, and a final report by January 15, 2001. Copies of the reports shall be submitted to the Governor, the President and the Minority Leader of the Senate, and the Speaker and the Minority Leader of the House of Representatives. After submission of the final report, members of the commission may, with the approval of the chair, receive reimbursement pursuant to subsection (6) for travel necessary to consult with the Legislature concerning issues raised by, and implementation of, the final report, until termination of the commission.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 3, after the first semicolon (;) insert: amending s. 330.30, F.S.; exempting certain spaceports from a provision of law relating to the approval of airport sites and the licensing of airports; amending s. 331.303, F.S.; revising definitions with respect to the Spaceport Florida Authority Act; amending s. 331.304, F.S.; revising the boundaries of spaceport territory; amending s. 331.360, F.S.; providing for the development of a spaceport master plan; creating s. 332.008, F.S.; providing limitation on the application of chapter 332, F.S.; amending s. 334.03, F.S.; redefining the term "transportation facility"; amending s. 334.30, F.S.; authorizing a fixed guideway transportation system operating within the Department of Transportation's right-of-way to operate at any safe speed; amending s. 339.155, F.S.; revising a provision of law governing transportation planning to include reference to spaceport master plans; amending s. 339.175, F.S.; including reference to spaceports and aerospace development with respect to metropolitan planning organizations; creating the Commission on the Future of Aeronautics and Space in Florida; providing for qualifications and appointment of members; directing the commission to study and make recommendations regarding specified areas relating to aeronautics and aerospace in the state; requiring reports;

Senator Bronson moved the following amendments which were adopted:

Amendment 7 (464954)(with title amendment)—On page 16, delete lines 6-8 and insert:

(1) As used in this section, the term "economic development agency" means the *Office of Tourism, Trade, and Economic Development Division of Economic Development of the Department of Commerce*, any industrial development

And the title is amended as follows:

On page 1, delete line 15 and insert: F.S.; adding the Office of Tourism, Trade, and Economic Development and the Spaceport Florida Authority to

Amendment 8 (341020)—On page 19, delete lines 6-18 and insert:

(3) The Spaceport Florida Authority may enter into an investment agreement obligating existing revenues on deposit or future revenues projected to be available for deposit in the segregated account provided for by s. 331.365(2). The investment must be limited as follows:

(a) Not more than \$50 million of the existing revenues on deposit or future revenues projected to be available for deposit in the segregated account provided for by s. 331.365 may be at risk at any time on loan guarantees or as loan loss reserves.

(b) The investment earnings may not be used to guarantee any loan guaranty or loan loss reserve agreement for a period longer than 30 years.

Amendment 9 (434718)—On page 20, line 27 through page 21, line 6, delete those lines and insert:

(8) The authority shall include in the annual report required under s. 331.310(13), a description of its activities and agreements approved relating to development of spaceport territory under this section. This section shall be reviewed by the Legislature by October 1, 2004, and a determination made related to the need to continue or modify this section. New loan guarantees may not be approved in 2005 until the review by the Legislature has been completed and a determination has been made as to the feasibility of continuing the use of the segregated account provided for by s. 331.365 to guarantee portions of loans under this section.

Amendment 10 (731112)—On page 25, line 5 through page 26, line 9, delete those lines and insert:

331.411 Board of directors; powers and duties.—

(1) There is created a board of directors of the corporation, which shall consist of up to 7 voting members as follows:

(a) One representative appointed by each of the following:

1. The board of supervisors of the Spaceport Florida Authority.
2. The board of directors of the Florida Export Finance Corporation.
3. The director of the Office of Tourism, Trade, and Economic Development.
4. The board of directors of Enterprise Florida, Inc.
5. The Secretary of Transportation.

(b) The Governor shall appoint the following members:

1. A member representing the investment banking industry.
2. An attorney at law in private practice.

The board shall also include two ex officio nonvoting members, a member of the House of Representatives selected by the Speaker of the House of Representatives, and a member of the Senate selected by the President of the Senate, both of whom shall serve 2-year terms.

Amendment 11 (525686)—On page 31, line 11, delete "Auditor General" and insert: *Office of Program Policy Analysis and Government Accountability*

Amendment 12 (361330)—On page 32, delete line 2 and insert: *corporation, subject to the review and certification by the Office of Tourism, Trade, and Economic Development as provided in s. 331.365(3) and approval by the Aerospace Facility Financing Review Council as provided in s. 331.3475.*

Amendment 13 (303748)(with title amendment)—On page 35, line 24 through page 39, line 15, delete those lines and insert:

(4) Each member shall be appointed to serve for a 3-year term, beginning July 1. Initial appointments shall be made no later than 60 days after the effective date of this act.

(5) The executive board shall hold its initial meeting no later than 30 days after the members have been appointed. The Space Industry Committee shall hold its initial meeting no later than 60 days after the members have been appointed.

(6) All council members must be residents of the state.

(7) The council shall adopt bylaws governing the manner in which the business of the council shall be conducted. The bylaws shall specify the procedure by which the chairperson of the council is elected.

(8) The council shall provide infrastructure and program requirements and develop other information to be utilized in a 5-year spaceport master plan. The council shall define goals and objectives concerning the development of spaceport facilities and an intermodal transportation system consistent with the goals of the Florida Transportation Plan developed pursuant to s. 339.155.

(9) *The council shall provide requirements and other information to be utilized in the development of a 5-year Spaceport Economic Development Plan, defining the goals and objectives of the council concerning the development of space manufacturing, research and development, and educational facilities.*

(10)(a) *The council shall adopt procedures for evaluating projects which may be funded under s. 331.365. The rules shall provide criteria for evaluating the economic benefit of the project, measured by the potential for the proposed project to increase manufacturing activity, international commerce, spaceport revenues, and the number of jobs.*

(b) *The council shall review and recommend projects eligible to be funded pursuant to the Florida Space Industry and Research Facility Development Program.*

(c) *The Office of Tourism, Trade, and Economic Development shall review the list of projects approved by the council to evaluate the economic benefit of the projects. The office shall identify those projects that it determines do not offer an economic benefit to the state, and shall notify the council of its findings.*

(11) *The council shall meet at the call of its chairperson, at the request of a majority of its membership, or at such times as may be prescribed in its bylaws. However, the council must meet at least semiannually. A majority of voting members of the council constitutes a quorum for the purpose of transacting the business of the council. A vote of the majority of the voting members present is sufficient for any action of the council, unless the bylaws of the council require a greater vote for a particular action.*

(12) *Members of the council shall serve without*

And the title is amended as follows:

On page 3, delete lines 16-30 and insert: board and the membership thereof; providing duties of the council; providing duties with respect to a spaceport master plan; providing for development of a Spaceport Economic Development Plan; providing that the council shall recommend projects to be funded pursuant to the Florida Space Industry and Research Facility Development Program; creating the

Amendment 14 (111390)(with title amendment)—On page 41, between lines 2 and 3, insert:

Section 17. *If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 3, after the second semicolon (;) insert: providing for severability;

Senator Horne moved the following amendment which was adopted:

Amendment 15 (912402)(with title amendment)—On page 41, between lines 2 and 3, insert:

Section 17. Section 196.1994, Florida Statutes, is amended to read:
196.1994 Space laboratories and carriers exemption.—

(1) Notwithstanding other provisions of this chapter, modules, pallets, racks, lockers, and their necessary associated hardware and sub-systems owned by any person and intended for use as space laboratories launched into space aboard the space shuttle for the primary purpose of conducting scientific research in space or as cargo carriers launched into space aboard the space shuttle for the primary purpose of transporting or storing cargo are deemed to carry out a scientific purpose and are exempt from ad valorem taxation.

(2) This section is repealed July 1, 2004.

Section 18. *It is the intent of the Legislature that the amendment to section 196.1994, Florida Statutes, by this section clarifies and confirms existing law with respect to the tax exemption provided for herein.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 3, after the semicolon (;) insert: amending s. 196.1994, F.S.; providing that cargo carriers are exempt from ad valorem taxes; providing intent;

MOTION

On motion by Senator Bronson, the rules were waived to allow the following amendment to be considered:

Senator Bronson moved the following amendment which was adopted:

Amendment 16 (405500)(with title amendment)—On page 41, delete line 3 and insert:

Section 1. This act shall take effect July 1, 1999, except that sections 22 and 23 of this act shall take effect July 1, 2000.

And the title is amended as follows:

On page 4, delete line 4 and insert: providing effective dates.

On motion by Senator Bronson, further consideration of **CS for SB 2540** as amended, with pending **Amendment 5** was deferred.

Consideration of **CS for CS for SB 1254** was deferred.

On motion by Senator Bronson—

SB 2542—A bill to be entitled An act relating to the Florida Commercial Space Financing Corporation Trust Fund; creating s. 331.376, F.S.; creating the Florida Commercial Space Financing Corporation Trust Fund; providing for its purposes; providing for review and termination or re-creation of the trust fund; providing a contingent effective date.

—was read the second time by title.

The Committee on Commerce and Economic Opportunities recommended the following amendment which was moved by Senator Bronson and adopted:

Amendment 1 (325122)—On page 2, delete lines 20-22 and insert: date of Senate Bill 2540 or similar legislation, relating to the commercial space industry, but it shall not take effect unless it is enacted by a three-fifths vote of the membership of each house of the Legislature and unless SB 2540 or similar legislation, relating to the commercial space industry, 1999 Regular

Pursuant to Rule 4.19, **SB 2542** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Bronson—

SB 2544—A bill to be entitled An act relating to public records; providing an exemption from public records requirements for certain records and information used in an application for financial assistance from the Florida Commercial Space Financing Corporation; providing an expiration date; providing a finding of public necessity; providing a contingent effective date.

—was read the second time by title.

The Committee on Commerce and Economic Opportunities recommended the following amendment which was moved by Senator Bronson and adopted:

Amendment 1 (025716)—On page 2, delete line 4 and insert: date of SB 2540 or similar legislation, relating to the

Pursuant to Rule 4.19, **SB 2544** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 2296** was deferred.

On motion by Senator Grant—

SB 120—A bill to be entitled An act relating to library cooperatives; amending s. 257.41, F.S.; requiring the Division of Library and Information Services of the Department of State to issue certificates to certain library cooperatives; amending s. 212.08, F.S.; providing an exemption from the tax on sales, use, and other transactions for library cooperatives certified under s. 257.41, F.S.; providing for retroactive application of the tax exemption; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 120** was placed on the calendar of Bills on Third Reading.

On motion by Senator Scott—

CS for SB 272—A bill to be entitled An act relating to health insurance coverage for autism spectrum disorder; requiring a health insurer or health maintenance organization that offers major medical coverage to include coverage for treating autism spectrum disorder; defining the term “autism spectrum disorder”; authorizing an insurer or health maintenance organization to confirm a diagnosis or review the appropriateness of a treatment plan; providing that the act does not affect the licensure of a health care professional or impair the right to reimbursement of a health care provider; making a legislative finding that the act fulfills an important state interest; providing an effective date.

—was read the second time by title.

The Committee on Fiscal Policy recommended the following amendment which was moved by Senator Scott and adopted:

Amendment 1 (823750)—On page 1, delete lines 25-27 and insert: *includes autism, Asperger syndrome, and Rett's syndrome.*

Pursuant to Rule 4.19, **CS for SB 272** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Laurent—

CS for SB 2282—A bill to be entitled An act relating to implementation of water quality standards; amending s. 403.031, F.S.; defining the term “total maximum daily load”; creating s. 403.067, F.S.; providing legislative findings and intent; requiring the Department of Environmental Protection to periodically submit to the United States Environmental Protection Agency a list of surface waters or segments for which total maximum daily load assessments will be conducted; providing that the list cannot be used in the administration or implementation of any regulatory program; providing for public comment on the list; requiring the Department of Environmental Protection to conduct total maximum daily load assessments on water bodies based on the priority ranking and schedule; requiring the Department of Environmental Protection to adopt a methodology for determining those water bodies which are impaired by rule; specifying what the rule shall set forth; providing for the adoption of a second list of water bodies for which total maximum daily loads will be calculated under certain circumstances; providing for the removal of surface waters or segments under certain conditions; providing for the process for calculating and allocating total maximum daily loads; providing that the Department of Environmental Protection must submit a report by February 1, 2000, to the Governor, the President of the Senate, and the Speaker of the House of Representatives which contains recommendations and draft legislation for any modifications to the process for allocating total maximum daily loads; requiring that the recommendations be developed by the department in cooperation with a technical committee; providing that the total maximum daily load calculations and allocations shall be adopted by rule; providing for public workshops and public notice; providing that the Department of Environmental Protection shall be the lead agency in coordinating and implementing the total maximum daily load allocation through water quality protection programs; authorizing the department to develop a basin plan; providing for public workshops and public notice regarding the

basin plan; providing that certain pollutant sources shall have the opportunity to implement the total maximum daily load through non-regulatory and incentive-based programs; requiring the department, the water management districts, and others to cooperatively develop suitable interim measures, best management practices, or other measures necessary to achieve the pollution-reduction targets for nonagricultural nonpoint pollutant sources; requiring the Department of Agriculture and Consumer Services to develop, and to adopt by rule at its discretion, certain interim measures or best management practices; authorizing the Department of Environmental Protection to adopt certain rules; prohibiting the Department of Environmental Protection from implementing, without prior legislative approval, any additional regulatory authority pursuant to the Clean Water Act; requiring the Department of Environmental Protection, in coordination with the water management district and the Department of Agriculture and Consumer Services, to evaluate the effectiveness of the implementation of total maximum daily loads for a specific period and to report to the Governor and the Legislature; providing an effective date.

—was read the second time by title.

Senator Laurent moved the following amendment which was adopted:

Amendment 1 (230818)(with title amendment)—Delete every-thing after the enacting clause and insert:

Section 1. *Short title.*—*This act may be cited as the “Florida Watershed Restoration Act.”*

Section 2. Subsection (21) is added to section 403.031, Florida Statutes, to read:

403.031 Definitions.—In construing this chapter, or rules and regulations adopted pursuant hereto, the following words, phrases, or terms, unless the context otherwise indicates, have the following meanings:

(21) “Total maximum daily load” is defined as the sum of the individual wasteload allocations for point sources and the load allocations for nonpoint sources and natural background. Prior to determining individual wasteload allocations and load allocations, the maximum amount of a pollutant that a water body or water segment can assimilate from all sources without exceeding water quality standards must first be calculated.

Section 3. Section 403.067, Florida Statutes, is created to read:

403.067 Establishment and implementation of total maximum daily loads.—

(1) *LEGISLATIVE FINDINGS AND INTENT.*—*In furtherance of public policy established in s. 403.021, the Legislature declares that the waters of the state are among its most basic resources and that the development of a total maximum daily load program for state waters as required by ss. 303(d) of the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq. will promote improvements in water quality throughout the state through the coordinated control of point and nonpoint sources of pollution. The Legislature finds that, while point and nonpoint sources of pollution have been managed through numerous programs, better coordination among these efforts and additional management measures may be needed in order to achieve the restoration of impaired water bodies. The scientifically based total maximum daily load program is necessary to fairly and equitably allocate pollution loads to both nonpoint and point sources. Implementation of the allocation shall include consideration of a cost-effective approach coordinated between contributing point and nonpoint sources of pollution for impaired water bodies or water body segments and may include the opportunity to implement the allocation through non-regulatory and incentive-based programs. The Legislature further declares that the Department of Environmental Protection shall be the lead agency in administering this program and shall coordinate with local governments, water management districts, the Department of Agriculture and Consumer Services, local soil and water conservation districts, environmental groups, regulated interests, other appropriate state agencies, and affected pollution sources in developing and executing the total maximum daily load program.*

(2) *LIST OF SURFACE WATERS OR SEGMENTS.*—*In accordance with ss. 303(d) of the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq., the department must submit periodically to the United*

States Environmental Protection Agency a list of surface waters or segments for which total maximum daily load assessments will be conducted. The assessments shall evaluate the water quality conditions of the listed waters and, if such waters are determined not to meet water quality standards, total maximum daily loads shall be established, subject to the provisions of s. 403.067(4). The department shall establish a priority ranking and schedule for analyzing such waters.

(a) The list, priority ranking, and schedule cannot be used in the administration or implementation of any regulatory program. However, this paragraph does not prohibit any agency from employing the data or other information used to establish the list, priority ranking, or schedule in administering any program.

(b) The list, priority ranking, and schedule prepared under this subsection shall be made available for public comment, but shall not be subject to challenge under chapter 120.

(c) The provisions of this subsection are applicable to all lists prepared by the department and submitted to the United States Environmental Protection Agency pursuant to section ss. 303(d) of the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq., including those submitted prior to the effective date of this act, except as provided in s. 403.067(4).

(d) If the department proposes to implement total maximum daily load calculations or allocations established prior to the effective date of this act, the department shall adopt those calculations and allocations by rule by the secretary pursuant to ss. 120.54, 120.536(1) and 403.067(6)(d).

(3) ASSESSMENT.—

(a) Based on the priority ranking and schedule for a particular listed water body or water body segment, the department shall conduct a total maximum daily load assessment of the basin in which the water body or water body segment is located using the methodology developed pursuant to s. 403.067(3)(b). In conducting this assessment, the department shall coordinate with the local water management district, the Department of Agriculture and Consumer Services, other appropriate state agencies, soil and water conservation districts, environmental groups, regulated interests, and other interested parties.

(b) The department shall adopt by rule a methodology for determining those waters which are impaired. The rule shall provide for consideration as to whether water quality standards codified in chapter 62-302, Florida Administrative Code, are being exceeded, based on objective and credible data, studies and reports, including surface water improvement and management plans approved by water management districts under s. 373.456 and pollutant load reduction goals developed according to department rule. Such rule also shall set forth:

1. Water quality sample collection and analysis requirements, accounting for ambient background conditions, seasonal and other natural variations;
2. Approved methodologies;
3. Quality assurance and quality control protocols;
4. Data modeling; and
5. Other appropriate water quality assessment measures.

(c) If the department has adopted a rule establishing a numerical criterion for a particular pollutant, a narrative or biological criterion may not be the basis for determining an impairment in connection with that pollutant unless the department identifies specific factors as to why the numerical criterion is not adequate to protect water quality. If water quality non-attainment is based on narrative or biological criteria, the specific factors concerning particular pollutants shall be identified prior to a total maximum daily load being developed for those criteria for that surface water or surface water segment.

(4) APPROVED LIST.—If the department determines, based on the total maximum daily load assessment methodology described in s. 403.067(3), that water quality standards are not being achieved and that technology-based effluent limitations and other pollution control programs under local, state, or federal authority, including Everglades restoration activities pursuant to s. 373.4592 and the National Estuary

Program, which are designed to restore such waters for the pollutant of concern are not sufficient to result in attainment of applicable surface water quality standards, it shall confirm that determination by issuing a subsequent, updated list of those water bodies or segments for which total maximum daily loads will be calculated. In association with this updated list the department shall establish priority rankings and schedules by which water bodies or segments will be subjected to total maximum daily load calculations. If a surface water or water segment is to be listed under this subsection, the department must specify the particular pollutants causing the impairment and the concentration of those pollutants causing the impairment relative to the water quality standard. This updated list shall be approved and amended by order of the department subsequent to completion of an assessment of each water body or water body segment, and submitted to the United States Environmental Protection Agency. Each order shall be subject to challenge under ss. 120.569 and 120.57.

(5) REMOVAL FROM LIST.—At any time throughout the total maximum daily load process, surface waters or segments evaluated or listed under this section shall be removed from the lists described in s. 403.067(2) or s. 403.067(4) upon demonstration that water quality criteria are being attained, based on data equivalent to that required by rule under s. 403.067(3).

(6) CALCULATION AND ALLOCATION.—

(a) Calculation of total maximum daily load.

1. Prior to developing a total maximum daily load calculation for each water body or water body segment on the list specified in s. 403.067(4), the department shall coordinate with applicable local governments, water management districts, the Department of Agriculture and Consumer Services, other appropriate state agencies, local soil and water conservation districts, environmental groups, regulated interests, and affected pollution sources to determine the information required, accepted methods of data collection and analysis, and quality control/quality assurance requirements. The analysis may include mathematical water quality modeling using approved procedures and methods.

2. The department shall develop total maximum daily load calculations for each water body or water body segment on the list described in s. 403.067(4) according to the priority ranking and schedule unless the impairment of such waters is due solely to activities other than point and nonpoint sources of pollution. For waters determined to be impaired due solely to factors other than point and nonpoint sources of pollution, no total maximum daily load will be required. A total maximum daily load may be required for those waters that are impaired predominantly due to activities other than point and nonpoint sources. The total maximum daily load calculation shall establish the amount of a pollutant that a water body or water body segment can assimilate without exceeding water quality standards, and shall account for seasonal variations and include a margin of safety that takes into account any lack of knowledge concerning the relationship between effluent limitations and water quality. The total maximum daily load may be based on a pollutant load reduction goal developed by a water management district, provided that such pollutant load reduction goal is promulgated by the department in accordance with the procedural and substantive requirements of this subsection.

(b) Allocation of total maximum daily loads. The total maximum daily loads shall include establishment of reasonable and equitable allocations of the total maximum daily load among point and nonpoint sources that will alone, or in conjunction with other management and restoration activities, provide for the attainment of water quality standards and the restoration of impaired waters. The allocations shall establish the maximum amount of the water pollutant from a given source or category of sources that may be discharged or released into the water body or water body segment in combination with other discharges or releases. Such allocations shall be designed to attain water quality standards and shall be based on consideration of the following:

1. Existing treatment levels and management practices;
2. Differing impacts pollutant sources may have on water quality;
3. The availability of treatment technologies, management practices, or other pollutant reduction measures;

4. *Environmental, economic, and technological feasibility of achieving the allocation;*
5. *The cost benefit associated with achieving the allocation;*
6. *Reasonable timeframes for implementation;*
7. *Potential applicability of any moderating provisions such as variances, exemptions, and mixing zones; and*
8. *The extent to which nonattainment of water quality standards is caused by pollution sources outside of Florida, discharges that have ceased, or alterations to water bodies prior to the date of this act.*

(c) *Not later than February 1, 2001, the department shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives containing recommendations, including draft legislation, for any modifications to the process for allocating total maximum daily loads, including the relationship between allocations and the basin planning process. Such recommendations shall be developed by the department in cooperation with a technical advisory committee which includes representatives of affected parties, environmental organizations, water management districts, and other appropriate local, state, and federal government agencies. The technical advisory committee shall also include such members as may be designated by the President of the Senate and the Speaker of the House of Representatives.*

(d) *The total maximum daily load calculations and allocations for each water body or water body segment shall be adopted by rule by the secretary pursuant to ss. 120.54 and 120.536(1), and 403.805. The rules adopted pursuant to this paragraph shall not be subject to approval by the Environmental Regulation Commission. As part of the rule development process, the department shall hold at least one public workshop in the vicinity of the water body or water body segment for which the total maximum daily load is being developed. Notice of the public workshop shall be published not less than 5 days nor more than 15 days before the public workshop in a newspaper of general circulation in the county or counties containing the water bodies or water body segments for which the total maximum daily load calculation and allocation are being developed.*

(7) **IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.—**

(a) *The department shall be the lead agency in coordinating the implementation of the total maximum daily load allocation through water quality protection programs. Application of a total maximum daily load calculation or allocation by a water management district shall be consistent with this section and shall not require the issuance of an order or a separate action pursuant to s. 120.54 or s. 120.536(1) for adoption of the calculation and allocation previously established by the department. Such programs may include, but are not limited to:*

1. *Permitting and other existing regulatory programs;*
2. *Nonregulatory and incentive-based programs, including best management practices, cost sharing, waste minimization, pollution prevention, and public education;*
3. *Other water quality management and restoration activities, for example surface water improvement and management plans approved by water management districts under s. 373.456;*
4. *Pollutant trading or other equitable economically based agreements;*
5. *Public works including capital facilities; or*
6. *Land acquisition.*

(b) *In developing and implementing the total maximum daily load allocation, the department may develop a basin plan. The basin plan will serve to fully integrate all the management strategies available to the state for the purpose of achieving water quality restoration. The basin planning process is intended to involve the broadest possible range of interested parties, with the objective of encouraging the greatest amount of cooperation and consensus possible. The department shall hold at least one public meeting in the vicinity of the basin to discuss and receive comments during the basin planning process and shall otherwise encourage public participation to the greatest practical extent. Notice of the*

public meeting shall be published in a newspaper of general circulation in each county in which the basin lies not less than 5 days nor more than 15 days before the public meeting. A basin plan shall not supplant or otherwise alter any assessment made under s. 403.086(3) and s.403.086(4), or any calculation or allocation made under s. 403.086(6).

(c) *The department, in cooperation with the water management districts and other interested parties, as appropriate, may develop suitable interim measures, best management practices, or other measures necessary to achieve the level of pollution reduction established by the department for nonagricultural nonpoint pollutant sources in allocations developed pursuant to s. 403.067(6)(b). These practices and measures may be adopted by rule by the department and the water management districts pursuant to ss. 120.54 and 120.536(1), and may be implemented by those parties responsible for nonagricultural nonpoint pollutant sources and the department and the water management districts shall assist with implementation. Where interim measures, best management practices, or other measures are adopted by rule, the effectiveness of such practices in achieving the levels of pollution reduction established in allocations developed by the department pursuant to s. 403.067(6)(b) shall be verified by the department. Implementation, in accordance with applicable rules, of practices that have been verified by the department to be effective at representative sites shall provide a presumption of compliance with state water quality standards and release from the provisions of s. 376.307(5) for those pollutants addressed by the practices, and the department is not authorized to institute proceedings against the owner of the source of pollution to recover costs or damages associated with the contamination of surface or ground water caused by those pollutants. Such rules shall also incorporate provisions for a notice of intent to implement the practices and a system to assure the implementation of the practices, including recordkeeping requirements. Where water quality problems are detected despite the appropriate implementation, operation and maintenance of best management practices and other measures according to rules adopted under this paragraph, the department or the water management districts shall institute a reevaluation of the best management practice or other measures.*

(d) *The Department of Agriculture and Consumer Services may develop and adopt by rule pursuant to ss. 120.54 and 120.536(1) suitable interim measures, best management practices, or other measures necessary to achieve the level of pollution reduction established by the department for agricultural pollutant sources in allocations developed pursuant to s. 403.067(6)(b). These practices and measures may be implemented by those parties responsible for agricultural pollutant sources and the department, the water management districts and the Department of Agriculture and Consumer Services shall assist with implementation. Where interim measures, best management practices, or other measures are adopted by rule, the effectiveness of such practices in achieving the levels of pollution reduction established in allocations developed by the department pursuant to s. 403.067(6)(b) shall be verified by the department. Implementation, in accordance with applicable rules, of practices that have been verified by the department to be effective at representative sites shall provide a presumption of compliance with state water quality standards and release from the provisions of s. 376.307(5) for those pollutants addressed by the practices, and the department is not authorized to institute proceedings against the owner of the source of pollution to recover costs or damages associated with the contamination of surface or ground water caused by those pollutants. In the process of developing and adopting rules for interim measures, best management practices, or other measures, the Department of Agriculture and Consumer Services shall consult with the department, the Department of Health, the water management districts, representatives from affected farming groups, and environmental group representatives. Such rules shall also incorporate provisions for a notice of intent to implement the practices and a system to assure the implementation of the practices, including recordkeeping requirements. Where water quality problems are detected despite the appropriate implementation, operation and maintenance of best management practices and other measures according to rules adopted under this paragraph, the Department of Agriculture and Consumer Services shall institute a reevaluation of the best management practice or other measure.*

(e) *The provisions of s. 403.067(7) paragraphs (c) and (d) shall not preclude the department or water management district from requiring compliance with water quality standards or with current best management practice requirements set forth in any applicable regulatory program authorized by law for the purpose of protecting water quality. Additionally, s. 403.067(7)(c) and s. 403.067(7)(d) are applicable*

only to the extent that they do not conflict with any rules promulgated by the department that are necessary to maintain a federally delegated or approved program.

(8) *RULES.*—The department is authorized to adopt rules pursuant to ss. 120.54 and 120.536(1) for:

(a) *Delisting water bodies or water body segments from the list developed under s. 403.067(4) pursuant to the guidance under s. 403.067(5);*

(b) *Administration of funds to implement the total maximum daily load program;*

(c) *Procedures for pollutant trading among the pollutant sources to a water body or water body segment, including a mechanism for the issuance and tracking of pollutant credits. Such procedures may be implemented through permits or other authorizations and must be legally binding. No rule implementing a pollutant trading program shall become effective prior to review and ratification by the Legislature; and*

(d) *The total maximum daily load calculation in accordance with s. 403.067(6)(a) immediately upon the effective date of this act, for those eight water segments within Lake Okechobee proper as submitted to the United States Environmental Protection Agency pursuant to s. 403.067(2).*

(9) *APPLICATION.*—The provisions of this section are intended to supplement existing law and nothing in this section shall be construed as altering any applicable state water quality standards or as restricting the authority otherwise granted to the department or a water management district under this chapter or chapter 373. The exclusive means of state implementation of section ss. 303(d) of the Clean Water Act. Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq. shall be in accordance with the identification, assessment, calculation and allocation, and implementation provisions of s. 403.067.

(10) *CONSTRUCTION.*—Nothing in this section shall be construed as limiting the applicability or consideration of any mixing zone, variance, exemption, site specific alternative criteria, or other moderating provision.

(11) *IMPLEMENTATION OF ADDITIONAL PROGRAMS.*—The department shall not implement, without prior legislative approval, any additional regulatory authority pursuant to the Clean Water Act ss. 303(d) or 40 CFR Part 130, if such implementation would result in water quality discharge regulation of activities not currently subject to regulation.

(12) *In order to provide adequate due process while ensuring timely development of total maximum daily loads, proposed rules and orders authorized by this act shall be ineffective pending resolution of a section 120.54(3), 120.56, 120.569, or 120.57 administrative proceeding. However, the department may go forward prior to resolution of such administrative proceedings with subsequent agency actions authorized by s. 403.067(2) through s. 403.067(6), provided that the department can support and substantiate those actions using the underlying bases for the rules or orders without the benefit of any legal presumption favoring, or in deference to, the challenged rules or orders.*

Section 4. Subsection (1) of section 403.805, Florida Statutes, is amended to read:

403.805 Secretary; powers and duties.—

(1) The secretary shall have the powers and duties of heads of departments set forth in chapter 20, including the authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of chapters 253, 373, and 376 and this chapter. The secretary shall have rulemaking responsibility under chapter 120, but shall submit any proposed rule containing standards to the Environmental Regulation Commission for approval, modification, or disapproval pursuant to s. 403.804, except for total maximum daily load calculations and allocations developed pursuant to s. 403.067(6). The secretary shall have responsibility for final agency action regarding total maximum daily load calculations and allocations developed pursuant to s. 403.067(6). The secretary shall employ legal counsel to represent the department in matters affecting the department. Except for appeals on permits specifically assigned by this act to the Governor and Cabinet, and unless otherwise prohibited by law, the secretary may delegate the authority

assigned to the department by this act to the assistant secretary, division directors, and district and branch office managers and to the water management districts.

Section 5. *The department, coordinating with the water management districts and the Department of Agriculture and Consumer Services, shall evaluate the effectiveness of the implementation of total maximum daily loads for a period of 5 years from the effective date of this act. The department shall document that effectiveness, using all data and information at its disposal, in a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2005. The report shall provide specific recommendations for statutory changes necessary to implement total maximum daily loads more effectively, including the development or expansion of pollution prevention and pollutant trading opportunities, and best management practices. The report shall also provide recommendations for statutory changes relating to pollutant sources which are not subject to permitting under chapter 403, Florida Statutes, or chapter 373, Florida Statutes, and which do not implement the nonregulatory practices or other measures outlined in the basin plan prepared under s. 403.067, Florida Statutes, in accordance with the schedule of the plan, or fail to implement them as designed.*

Section 6. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to implementation of water quality standards; amending s. 403.031, F.S.; defining the term "total maximum daily load"; creating s. 403.067, F.S.; providing legislative findings and intent; requiring the Department of Environmental Protection to periodically submit to the United States Environmental Protection Agency a list of surface waters or segments for which total maximum daily load assessments will be conducted; providing that the list cannot be used in the administration or implementation of any regulatory program; providing for public comment on the list; requiring the Department of Environmental Protection to conduct total maximum daily load assessments on water bodies based on the priority ranking and schedule; requiring the Department of Environmental Protection to adopt a methodology for determining those water bodies which are impaired by rule; specifying what the rule shall set forth; providing for the adoption of a subsequent updated list of water bodies for which total maximum daily loads will be calculated under certain circumstances; providing for the removal of surface waters or segments under certain conditions; providing for the process for calculating and allocating total maximum daily loads; providing that the Department of Environmental Protection must submit a report by February 1, 2001, to the Governor, the President of the Senate, and the Speaker of the House of Representatives which contains recommendations and draft legislation for any modifications to the process for allocating total maximum daily loads; requiring that the recommendations be developed by the department in cooperation with a technical committee; providing that the total maximum daily load calculations and allocations shall be adopted by rule; providing for public workshops and public notice; providing that the Department of Environmental Protection shall be the lead agency in coordinating the implementation of the total maximum daily load allocation through water quality protection programs; authorizing the department to develop a basin plan requiring the department to cooperatively develop suitable interim measures, best management practices, or other measures necessary to achieve the level of pollution reduction established in allocations for nonagricultural nonpoint pollutant sources; requiring the Department of Agriculture and Consumer Services to develop, and to adopt by rule at its discretion, certain interim measures or best management practices necessary to achieve the level of pollution reduction established in allocations of agricultural pollutant sources; authorizing the Department of Environmental Protection to adopt certain rules; prohibiting the Department of Environmental Protection from implementing, without prior legislative approval, any additional regulatory authority pursuant to the Clean Water Act; amending s. 403.805, F.S.; providing for the powers and duties of the secretary; requiring the Department of Environmental Protection, in coordination with the water management district and the Department of Agriculture and Consumer Services, to evaluate the effectiveness of the implementation of total maximum daily loads for a specific period and to report to the Governor and the Legislature; providing an effective date.

Pursuant to Rule 4.19, **CS for SB 2282** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1066** and **SB 1288** was deferred.

On motion by Senator Hargrett—

SB 1422—A bill to be entitled An act relating to the Tampa-Hillsborough County Expressway Authority; amending s. 338.251, F.S.; providing that funds repaid by the authority to the Toll Facilities Revolving Trust Fund are to be loaned back to the authority for specified purposes; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1422** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1008** and **SB 1682** was deferred.

CS for SB 1858—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.091, F.S., relating to benefits payable under the Florida Retirement System; providing for payment of federally limited benefits through the Florida Retirement System Preservation of Benefits Plan; creating s. 121.1001, F.S.; creating the Florida Retirement System Preservation of Benefits Plan; providing for eligibility; providing for benefits and contributions; providing for administration; providing a finding of important state interest; providing an effective date and a contingent expiration date.

—was read the second time by title.

Senator Silver moved the following amendments which were adopted:

Amendment 1 (285444)—On page 4, delete lines 1-11 and insert:

(a) *The Preservation of Benefits Plan shall be unfunded within the meaning of the federal tax laws. No payee contribution or deferrals, direct or indirect, by election or otherwise shall be made or allowed under the Preservation of Benefits Plan. Benefits due under the Preservation of Benefits Plan as determined by the Division of Retirement shall be paid timely from the Preservation of Benefits Plan Trust Fund, if created by law.*

(b) *Florida Retirement System monthly contributions paid to the Division of Retirement by the payee's past covered employer shall be reduced by the employer as*

Amendment 2 (700944)—On page 2, delete lines 23-30 and insert: *Retirement System, for the purpose of providing benefits to a payee (retiree or beneficiary) of the Florida Retirement System whose benefits would otherwise be limited by s. 415(b) of the Internal Revenue Code.*

(1) **ELIGIBILITY TO PARTICIPATE IN THE PRESERVATION OF BENEFITS PLAN.**—*A payee of the Florida Retirement System shall participate in the Preservation of Benefits Plan whenever his or her earned benefit under the Florida Retirement System*

Senator Silver moved the following amendment:

Amendment 3 (504976)—On page 5, line 3, delete "12" and insert: *14*

On motion by Senator Silver, further consideration of **CS for SB 1858** with pending **Amendment 3** was deferred.

Consideration of **CS for SB 1940** was deferred.

On motion by Senator Webster—

CS for SB 2142—A bill to be entitled An act relating to the Secretary of State; amending s. 15.01, F.S.; clarifying the location of the Secretary's office; establishing office hours; transferring the Division of Licensing of the Department of State to the Department of Business and Professional Regulation; transferring concealed weapons permitting to

the Department of Business and Professional Regulation; transferring games promotions to the Department of Agriculture and Consumer Services; amending ss. 20.10, 493.6101, 790.06, 849.094, F.S., to conform to changes made by this act; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2142** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1856** and **CS for SB's 2152 and 1930** was deferred.

On motion by Senator Webster—

CS for SB 2206—A bill to be entitled An act relating to the governmental reorganization; amending s. 17.02, F.S.; clarifying the location and hours of operation of the Comptroller's office; transferring the Division of Banking, the Division of Securities and Investor Protection, and the Division of Financial Investigations of the Department of Banking and Finance to the Department of Insurance and renaming the Department of Insurance as the Department of Finance, Insurance, Banking, and Securities; redesignating the Department of Banking and Finance as the Office of the Comptroller and prescribing its duties; amending ss. 20.12, 20.13, 215.04, 215.05, 215.11, 215.25, 215.31, 215.32, 215.422, 494.001, 497.005, 516.01, 517.03, 517.061, 517.075, 517.1205, 517.131, 517.151, 520.02, 520.31, 520.61, 559.543, 559.55, 560.102, 560.103, 655.001, 655.005, 655.90, 655.949, 657.002, 657.253, 658.23, 658.2953, 716.03, 716.04, 716.05, 716.06, 717.101, F.S., to conform to changes made by this act; requiring the Lieutenant Governor to prepare a plan and report to the Governor and the Legislature; providing effective dates.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2206** was placed on the calendar of Bills on Third Reading.

On motion by Senator Webster—

CS for SB 2208—A bill to be entitled An act relating to the Commissioner of Education; amending s. 20.15, F.S.; clarifying the location of the commissioner's office; amending s. 228.056, F.S.; providing for application to the State Board of Education for waiver of school code; providing for waiver approval by the State Board of Education; amending s. 228.0565, F.S.; providing for application to the State Board of Education for waiver of school code; providing for waiver approval by the State Board of Education; amending s. 229.111, F.S.; providing that the State Board of Education may accept or decline gifts on behalf of the public education system; amending s. 229.512, F.S.; providing that the Commissioner of Education is the chief educational officer of the state for elementary and secondary education; amending s. 240.417, F.S.; providing that the State Board of Education, in conjunction with the State Board of Administration, Division of Bond Finance, may determine that certain fees are not required; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2208** was placed on the calendar of Bills on Third Reading.

On motion by Senator Laurent—

CS for SB 2288—A bill to be entitled An act relating to onsite sewage treatment and disposal systems; amending s. 381.0065, F.S.; defining the terms "mean annual flood line," "permanent nontidal surface water body," and "tidally influenced surface water body"; revising permitting and siting regulations; amending s. 381.0066, F.S.; providing for the use of specified fees for funding a training center; providing for a scientific research project on seasonally inundated areas and a report to the Legislature; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2288** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1564** was deferred.

On motion by Senator Rossin, by two-thirds vote **HB 897** was withdrawn from the Committees on Banking and Insurance; and Agriculture and Consumer Services.

On motion by Senator Rossin, by two-thirds vote—

HB 897—A bill to be entitled An act relating to insurance; amending s. 626.9541, F.S.; prohibiting as an unfair insurance practice use of certain misleading advertisements; amending s. 626.9551, F.S.; prohibiting any person from engaging in certain acts related to insurance sold in connection with a loan or extension of credit; requiring disclosure of certain information for such transactions; requiring separate documents for policies of insurance for such transactions; prohibiting loan officers who are involved in the loan transaction from soliciting insurance in connection with the same loan, subject to certain exceptions; amending s. 626.592, F.S.; providing that a primary agent need not be designated at each location where an agent conducts certain insurance transactions; creating s. 626.9885, F.S.; requiring financial institutions, as defined, to conduct insurance transactions only through Florida-licensed insurance agents representing certain types of insurers; amending ss. 626.321, 626.730, 629.401, F.S., to conform cross-references; repealing s. 626.988, F.S.; relating to prohibition of insurance activities by persons employed or associated with financial institutions; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2402** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 897** was placed on the calendar of Bills on Third Reading.

On motion by Senator Clary—

CS for SB 768—A bill to be entitled An act relating to community colleges; requiring each community college to determine the number of matriculated, degree-seeking students enrolled at the community college; providing requirements for classifying a student as matriculated and degree-seeking; requiring the classification to be used only for specified purposes; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 768** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 214** was deferred.

On motion by Senator Scott—

CS for SB 1556—A bill to be entitled An act relating to health insurance; amending s. 408.70, F.S.; providing legislative intent for the organization of a nonprofit corporation for providing affordable group health insurance; amending s. 408.701, F.S.; revising definitions; amending s. 408.702, F.S.; creating the Health Alliance for Small Business; deleting authorization for community health purchasing alliances; creating a board of governors for the alliance; specifying organizational requirements; specifying that the alliance is not a state agency; redesignating community health purchasing alliances as regional boards of the alliance; revising provisions related to liability of board members, number and boundary of alliance districts, eligibility for alliance membership, and powers of the state board and regional boards of the alliance; authorizing the Office of the Auditor General to audit and inspect the alliance; prohibiting state agencies from providing certain funds to the alliance without specific legislative approval; amending s. 408.703, F.S.; providing eligibility requirements for small employer members of the alliance; amending s. 408.704, F.S.; providing responsibilities for the Agency for Health Care Administration; amending s. 408.7041, F.S.; conforming

provisions; amending s. 408.7045, F.S.; revising marketing requirements of the alliance; amending s. 627.6699, F.S.; revising restrictions related to premium rates for small employer health benefit plans; repealing ss. 408.7042, 408.7055, 408.706, F.S., relating to purchasing coverage for state employees and Medicaid recipients through community health purchasing alliances, relating to the establishment of practitioner advisory groups by the Agency for Health Care Administration, and relating to requirements for accountable health partnerships; providing an effective date.

—was read the second time by title.

Senator Scott moved the following amendment which was adopted:

Amendment 1 (075398)(with title amendment)—On page 11, line 30 through page 27, line 26, delete those lines and insert:

(e) Hire employees or contract with qualified, independent third parties for any service necessary to carry out the board's powers and duties, as authorized under ss. 408.70-408.7045. However, the board may not hire an insurance agent who engages in activities on behalf of the alliance for which an insurance agent's license is required by chapter 626.

(f) Perform any of the activities that may be performed by a regional board under subsection (6), subject to coordination with the regional boards to avoid duplication of effort.

(8) Each regional board of the alliance may:

(a) Establish conditions of alliance membership consistent with the minimum requirements established by the state board.

(b) Provide to alliance members standardized information for comparing health plans offered through the alliance.

(c) Offer health plans to alliance members, subject to the terms and conditions agreed to by the state board and participating health insurers.

(d) Market and publicize the coverage and services offered by the alliance.

(e) Collect premiums from alliance members on behalf of participating health insurers.

(f) Assist members in resolving disputes between health insurers and alliance members, consistent with grievance procedures required by law.

(g) Set reasonable fees for alliance membership, services offered by the alliance, and late payment of premiums by alliance members for which the alliance is responsible.

(h) Receive and accept grants, loans, advances, or funds from any public or private agency, and receive and accept, from any source, contributions of money, property, labor, or any other thing of value.

(i) Hire employees or contract with qualified, independent third parties for any service necessary to carry out the regional board's powers and duties as authorized under ss. 408.70-408.7045. However, a regional board may not hire an insurance agent who engages in activities on behalf of the alliance for which an insurance agent's license is required by chapter 626.

(9) No state agency may expend or provide funds to the Alliance that would subsidize the pricing of health insurance policies for its members, unless the Legislature specifically authorizes such expenditure.

~~*(6) Each community health purchasing alliance has the following powers, duties, and responsibilities:*~~

~~*(a) Establishing the conditions of alliance membership in accordance with ss. 408.70-408.706.*~~

~~*(b) Providing to alliance members clear, standardized information on each accountable health partnership and each health plan offered by each accountable health partnership, including information on price, enrollee costs, quality, patient satisfaction, enrollment, and enrollee responsibilities and obligations; and providing accountable health partnership comparison sheets in accordance with agency rule to be used in providing members and their employees with information regarding*~~

standard, basic, and specialized coverage that may be obtained through the accountable health partnerships.

(c) Annually offering to all alliance members all accountable health partnerships and health plans offered by the accountable health partnerships which meet the requirements of ss. 408.70-408.706, and which submit a responsive proposal as to information necessary for accountable health partnership comparison sheets, and providing assistance to alliance members in selecting and obtaining coverage through accountable health partnerships that meet those requirements.

(d) Requesting proposals for the standard and basic health plans, as defined in s. 627.6699, from all accountable health partnerships in the district; providing, in the format required by the alliance in the request for proposals, the necessary information for accountable health partnership comparison sheets; and offering to its members health plans of accountable health partnerships which meet those requirements.

(e) Requesting proposals from all accountable health partnerships in the district for specialized benefits approved by the alliance board based on input from alliance members, determining if the proposals submitted by the accountable health partnerships meet the requirements of the request for proposals, and offering them as options through riders to standard plans and basic plans. This paragraph does not limit an accountable health partnership's ability to offer other specialized benefits to alliance members.

(f) Distributing to health care purchasers, placing special emphasis on the elderly, retail price data on prescription drugs and their generic equivalents, durable medical equipment, and disposable medical supplies which is provided by the agency pursuant to s. 408.063(3) and (4).

(g) Establishing administrative and accounting procedures for the operation of the alliance and members' services, preparing an annual alliance budget, and preparing annual program and fiscal reports on alliance operations as required by the agency.

(h) Developing and implementing a marketing plan to publicize the alliance to potential members and associate members and developing and implementing methods for informing the public about the alliance and its services.

(i) Developing grievance procedures to be used in resolving disputes between members and the alliance and disputes between the accountable health partnerships and the alliance. Any member of, or accountable health partnership that serves, an alliance may appeal to the agency any grievance that is not resolved by the alliance.

(j) Ensuring that accountable health partnerships have grievance procedures to be used in resolving disputes between members and an accountable health partnership. A member may appeal to the alliance any grievance that is not resolved by the accountable health partnership. An accountable health partnership that is a health maintenance organization must follow the grievance procedures established in ss. 408.7056 and 641.31(5).

(k) Maintaining all records, reports, and other information required by the agency, ss. 408.70-408.706, or other state and local laws.

(l) Receiving and accepting grants, loans, advances, or funds from any public or private agency; and receiving and accepting contributions, from any source, of money, property, labor, or any other thing of value.

(m) Contracting, as authorized by alliance members, with a qualified, independent third party for any service necessary to carry out the powers and duties required by ss. 408.70-408.706.

(n) Developing a plan to facilitate participation of providers in the district in an accountable health partnership, placing special emphasis on ensuring participation by minority physicians in accountable health partnerships if such physicians are available. The use of the term "minority" in ss. 408.70-408.706 is consistent with the definition of "minority person" provided in s. 288.703(3).

(o) Ensuring that any health plan reasonably available within the jurisdiction of an alliance, through a preferred provider network, a point of service product, an exclusive provider organization, a health maintenance organization, or a pure indemnity product, is offered to members of the alliance. For the purposes of this paragraph, "pure indemnity

product" means a health insurance policy or contract that does not provide different rates of reimbursement for a specified list of physicians and a "point of service product" means a preferred provider network or a health maintenance organization which allows members to select at a higher cost a provider outside of the network or the health maintenance organization.

(p) Petitioning the agency for a determination as to the cost-effectiveness of collecting premiums on behalf of participating accountable health partnerships. If determined by the agency to be cost-effective, the alliance may establish procedures for collecting premiums from members and distribute them to the participating accountable health partnerships. This may include the remittance of the share of the group premium paid by both an employer and an enrollee. If an alliance assumes premium collection responsibility, it shall also assume liability for uncollected premium. This liability may be collected through a bad debt surcharge on alliance members to finance the cost of uncollected premiums. The alliance shall pay participating accountable health partnerships their contracting premium amounts on a prepaid monthly basis, or as otherwise mutually agreed upon.

(7) Each alliance shall set reasonable fees for membership in the alliance which will finance all reasonable and necessary costs incurred in administering the alliance.

(9)(8) Each regional board alliance shall annually report to the state board on the operations of the alliance in that region, including program and financial operations, and shall provide for annual internal and independent audits.

(10)(9) The alliance, the state board, and regional boards A community health purchasing alliance may not engage in any activities for which an insurance agent's license is required by chapter 626.

(11)(10) The powers and responsibilities of the a community health purchasing alliance with respect to purchasing health plans services from health insurers accountable health partnerships do not extend beyond those enumerated in ss. 408.70-408.7045 ss. 408.70-408.706.

(12) The Office of the Auditor General may audit and inspect the operations and records of the alliance.

Section 4. Section 408.703, Florida Statutes, is amended to read:

408.703 Small employer members of the alliance community health purchasing alliances; eligibility requirements.—

(1) The board agency shall establish conditions of participation in the alliance for small employers, as defined in s. 627.6699, which must include, but need not be limited to:

(a) Assurance that the group is a valid small employer and is not formed for the purpose of securing health benefit coverage. This assurance must include requirements for sole proprietors and self-employed individuals which must be based on a specified requirement for the time that the sole proprietor or self-employed individual has been in business, required filings to verify employment status, and other requirements to ensure that the individual is working.

(b) Assurance that the individuals in the small employer group are employees and have not been added for the purpose of securing health benefit coverage.

(2) The agency may not require a small employer to pay any portion of premiums as a condition of participation in an alliance.

(2)(3) The board agency may require a small employer seeking membership to agree to participate in the alliance for a specified minimum period of time, not to exceed 1 year.

(4) If a member small employer offers more than one accountable health partnership or health plan and the employer contributes to coverage of employees or dependents of the employee, the alliance shall require that the employer contribute the same dollar amount for each employee, regardless of the accountable health partnership or benefit plan chosen by the employee.

(5) An employer that employs 30 or fewer employees must offer at least 2 accountable health partnerships or health plans to its employees;

and an employer that employs 31 or more employees must offer 3 or more accountable health partnerships or health plans to its employees.

(3)(6) Notwithstanding any other law, if a small employer member loses eligibility to purchase health care through *the* a community health purchasing alliance solely because the business of the small employer member expands to more than 50 and less than 75 eligible employees, the small employer member may, at its next renewal date, purchase coverage through the alliance for not more than 1 additional year.

Section 5. Section 408.704, Florida Statutes, 1998 Supplement, is amended to read:

408.704 Agency duties and responsibilities related to *the alliance* community health purchasing alliances.—

(1) The agency shall *supervise the operation of the alliance, assist in developing a statewide system of community health purchasing alliances. To this end, the agency is responsible for:*

(1) ~~Initially and thereafter annually certifying that each community health purchasing alliance complies with ss. 408.70-408.706 and rules adopted pursuant to ss. 408.70-408.706. The agency may decertify any community health purchasing alliance if the alliance fails to comply with ss. 408.70-408.706 and rules adopted by the agency.~~

(2) ~~The agency shall conduct~~ Providing administrative startup funds. Each contract for startup funds is limited to \$275,000.

(3) ~~Conducting an annual review of the performance of the each alliance to ensure that the alliance is in compliance with ss. 408.70-408.7045 ss. 408.70-408.706. To assist the agency in its review, the each alliance shall submit, quarterly, data to the agency, including, but not limited to, employer enrollment by employer size, industry sector, previous insurance status, and count; number of total eligible employers in the alliance district participating in the alliance; number of insured lives by county and insured category, including employees, dependents, and other insured categories, represented by alliance members; profiles of potential employer membership by county; premium ranges for each health insurer accountable health partnership for alliance member categories; type and resolution of member grievances; membership fees; and alliance financial statements. A summary of this annual review shall be provided to the Legislature and to each alliance.~~

(4) ~~Developing accountable health partnership comparison sheets to be used in providing members and their employees with information regarding the accountable health partnership.~~

(5) ~~Establishing a data system for accountable health partnerships.~~

(a) ~~The agency shall establish an advisory data committee comprised of the following representatives of employers, medical providers, hospitals, health maintenance organizations, and insurers:~~

1. ~~Two representatives appointed by each of the following organizations: Associated Industries of Florida, the Florida Chamber of Commerce, the National Federation of Independent Businesses, and the Florida Retail Federation;~~

2. ~~One representative of each of the following organizations: the Florida League of Hospitals, the Association of Voluntary Hospitals of Florida, the Florida Hospital Association, the Florida Medical Association, the Florida Osteopathic Medical Association, the Florida Chiropractic Association, the Florida Chapter of the National Medical Association, the Association of Managed Care Physicians, the Florida Insurance Council, the Florida Association of Domestic Insurers, the Florida Association of Health Maintenance Organizations; and~~

3. ~~One representative of governmental health care purchasers and three consumer representatives, to be appointed by the agency.~~

(b) ~~The advisory data committee shall issue a report and recommendations on each of the following subjects as each is completed. A final report covering all subjects must be included in the final Florida Health Plan to be submitted to the Legislature on December 31, 1993. The report shall include recommendations regarding:~~

1. ~~Types of data to be collected. Careful consideration shall be given to other data collection projects and standards for electronic data interchanges already in process in this state and nationally, to evaluating~~

~~and recommending the feasibility and cost effectiveness of various data collection activities, and to ensuring that data reporting is necessary to support the evaluation of providers with respect to cost containment, access, quality, control of expensive technologies, and customer satisfaction analysis. Data elements to be collected from providers include prices, utilization, patient outcomes, quality, and patient satisfaction. The completion of this task is the first priority of the advisory data committee. The agency shall begin implementing these data collection activities immediately upon receipt of the recommendations, but no later than January 1, 1994. The data shall be submitted by hospitals, other licensed health care facilities, pharmacists, and group practices as defined in s. 455.654(3)(f).~~

2. ~~A standard data set, a standard cost effective format for collecting the data, and a standard methodology for reporting the data to the agency, or its designee, and to the alliances. The reporting mechanisms must be designed to minimize the administrative burden and cost to health care providers and carriers. A methodology shall be developed for aggregating data in a standardized format for making comparisons between accountable health partnerships which takes advantage of national models and activities.~~

3. ~~Methods by which the agency should collect, process, analyze, and distribute the data.~~

4. ~~Standards for data interpretation. The advisory data committee shall actively solicit broad input from the provider community, carriers, the business community, and the general public.~~

5. ~~Structuring the data collection process to:~~

a. ~~Incorporate safeguards to ensure that the health care services utilization data collected is reviewed by experienced, practicing physicians licensed to practice medicine in this state;~~

b. ~~Require that carrier customer satisfaction data conclusions are validated by the agency;~~

c. ~~Protect the confidentiality of medical information to protect the patient's identity and to protect the privacy of individual physicians and patients. Proprietary data submitted by insurers, providers, and purchasers are confidential pursuant to s. 408.061; and~~

d. ~~Afford all interested professional medical and hospital associations and carriers a minimum of 60 days to review and comment before data is released to the public.~~

6. ~~Developing a data collection implementation schedule, based on the data collection capabilities of carriers and providers.~~

(c) ~~In developing data recommendations, the advisory data committee shall assess the cost effectiveness of collecting data from individual physician providers. The initial emphasis must be placed on collecting data from those providers with whom the highest percentages of the health care dollars are spent: hospitals, large physician group practices, outpatient facilities, and pharmacies.~~

(d) ~~The agency shall, to the maximum extent possible, adopt and implement the recommendations of the advisory data committee. The agency shall report all recommendations of the advisory data committee to the Legislature and submit an implementation plan.~~

(e) ~~The travel expenses of the participants of the advisory data committee must be paid by the participant or by the organization that nominated the participant.~~

(6) ~~Collecting, compiling, and analyzing data on accountable health partnerships and providing statistical information to alliances.~~

(7) ~~Receiving appeals by members of an alliance and accountable health partnerships whose grievances were not resolved by the alliance. The agency shall review these appeals pursuant to chapter 120. Records or reports submitted as a part of a grievance proceeding conducted as provided for under this subsection are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Records or reports of patient care quality assurance proceedings obtained or made by any member of a community health purchasing alliance or any member of an accountable health partnership and received by the agency as a part of a proceeding conducted pursuant to this~~

subsection are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Portions of meetings held pursuant to the provisions of this subsection during which records held confidential pursuant to the provisions of this subsection are discussed are exempt from the provisions of s. 286.011 and s. 24(b), Art. I of the State Constitution. All portions of any meeting closed to the public shall be recorded by a certified court reporter. For any portion of a meeting that is closed, the reporter shall record the times of commencement and termination of the meeting, all discussion and proceedings, the names of all persons present at any time, and the names of all persons speaking. No portion of the closed meeting shall be off the record. The court reporter's notes shall be fully transcribed and given to the appropriate records custodian within a reasonable time after the meeting. A copy of the original transcript, with information otherwise confidential or exempt from public disclosure redacted, shall be made available for public inspection and copying 3 years after the date of the closed meeting.

Section 6. Section 408.7045, Florida Statutes, is amended to read:

408.7045 ~~Community health purchasing Alliance marketing requirements.—~~

(1) ~~The~~ Each alliance shall use appropriate, efficient, and standardized means to notify members of the availability of sponsored health coverage from the alliance.

(2) ~~The~~ Each alliance shall make available to members marketing materials that accurately summarize the benefit plans that are offered by its ~~health insurer~~ accountable health partnerships and the rates, costs, and accreditation information relating to those plans.

~~(3) Annually, the alliance shall offer each member small employer all accountable health partnerships available in the alliance and provide them with the appropriate materials relating to those plans. The member small employer may choose which health benefit plans shall be offered to eligible employees and may change the selection each year. The employee may be given options with regard to health plans and the type of managed care system under which his or her benefits will be provided.~~

~~(4) An alliance may notify the agency of any marketing practices or materials that it finds are contrary to the fair and affirmative marketing requirements of the program. Upon the request of an alliance, the agency shall request the Department of Insurance to investigate the practices and the Department of Insurance may take any action authorized for a violation of the insurance code or the Health Maintenance Organization Act.~~

Section 7. Paragraph (b) of subsection (6) of section 627.6699, Florida Statutes, 1998 Supplement, is amended to read:

627.6699 Employee Health Care Access Act.—

(6) RESTRICTIONS RELATING TO PREMIUM RATES.—

(b) For all small employer health benefit plans that are subject to this section and are issued by small employer carriers on or after January 1, 1994, premium rates for health benefit plans subject to this section are subject to the following:

1. Small employer carriers must use a modified community rating methodology in which the premium for each small employer must be determined solely on the basis of the eligible employee's and eligible dependent's gender, age, family composition, tobacco use, or geographic area as determined under paragraph (5)(j) ~~(5)(k)~~.

2. Rating factors related to age, gender, family composition, tobacco use, or geographic location may be developed by each carrier to reflect the carrier's experience. The factors used by carriers are subject to department review and approval.

3. Small employer carriers may not modify the rate for a small employer for 12 months from the initial issue date or renewal date, unless the composition of the group changes or benefits are changed. *However, a small employer carrier may modify the rate one time prior to 12 months after the initial issue date for a small employer who enrolls under a previously issued group policy that has a common anniversary date for all employers covered under the policy, if the carrier discloses to the employer in a clear and conspicuous manner the date of the first renewal*

and the fact that the premium may increase on or after that date and if the insurer demonstrates to the department that efficiencies in administration are achieved and reflected in the rates charged to small employers covered under the policy.

4. *A small employer carrier may issue a policy to a group association with rates that reflect a premium credit for expense savings attributable to administrative activities being performed by the group association, if these expense savings are specifically documented in the carrier's rate filing and are approved by the department. Any such credit may not be based on different morbidity assumptions or on any other factor related to the health status or claims experience of the group or its members. Carriers participating in the alliance program, in accordance with ss. 408.700-408.707, may apply a different community rate to business written in that program.*

(c) For all small employer health benefit plans that are subject to this section, that are issued by small employer carriers before January 1, 1994, and that are renewed on or after January 1, 1995, renewal rates must be based on the same modified community rating standard applied to new business.

(d) Notwithstanding s. 627.401(2), this section and ss. 627.410 and 627.411 apply to any health benefit plan provided by a small employer carrier that provides coverage to one or more employees of a small employer regardless of where the policy, certificate, or contract is issued or delivered, if the health benefit plan covers employees or their covered dependents who are residents of this state.

Section 8. *Sections 408.7041, 408.7042, 408.7055, and 408.706, Florida Statutes, are repealed.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 29 through page 2, line 12, delete those lines and insert: Administration; amending s. 408.7045, F.S.; revising marketing requirements of the alliance; amending s. 627.6699, F.S.; revising restrictions related to premium rates for small employer health benefit plans; repealing ss. 408.7041, 408.7042, 408.7055, 408.706, F.S., relating to anti-trust protection, relating to purchasing coverage for state employees and Medicaid recipients through community health purchasing alliances, relating to the establishment of practitioner advisory groups by the Agency for Health Care Administration, and relating to requirements for accountable health partnerships; providing an effective date.

Pursuant to Rule 4.19, **CS for SB 1556** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Silver—

CS for SB 1430—A bill to be entitled An act relating to partnership filings administered by the Department of State; amending s. 620.8101, F.S.; defining the terms "foreign limited liability partnership" and "limited liability partnership" and redefining the term "statement"; amending ss. 620.8103, 620.8105, 620.81055, 620.8106, 620.8201, 620.8303, 620.8304, 620.8306, 620.8307, 620.8701, 620.8702, 620.8703, 620.8704, 620.8801, 620.8805, 620.8806, 620.8807, 620.8903, 620.8904, 620.8906, 620.8907, F.S.; conforming statutory cross-references; providing for registration requirements; providing document filing fees; providing for governing law; providing for partners' liability; providing for actions for and against partners; providing for purchase of dissociated interests; providing for settlement and contribution; providing for conversions; providing for the effect of merger; creating ss. 620.9001, 620.9002, 620.9003, 620.9101, 620.9102, 620.9103, 620.9104, 620.9105, 620.187, F.S.; adopting the model act provisions of the limited liability partnership act into the Revised Uniform Partnership Act of 1995; providing for statement of qualification, name, annual report, statement of foreign qualification, effect of failure to qualify, activities not constituting transacting business, action by Attorney General, and limited liability limited partnerships; amending s. 865.09, F.S.; requiring reregistration of a fictitious name upon relocation of a business; providing for conditions for exemption from fictitious name registration; providing for the use of corporate names; redesignating s. 620.90, F.S., as s. 620.9901, F.S., relating to applicability; redesignating s. 620.91, F.S., as s. 620.9902, F.S., relating to a saving clause; repealing ss. 620.78, 620.781, 620.782,

620.783, 620.784, 620.7851, 620.786, 620.787, 620.788, 620.7885, 620.7887, 620.789, F.S., relating to registered limited liability partnerships; providing for a waiver of protection from liability of the partners in certain limited liability partnerships; providing limitations on the amount of such liability; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 1430** to **CS for HB 361**.

Pending further consideration of **CS for SB 1430** as amended, on motion by Senator Silver, by two-thirds vote **CS for HB 361** was withdrawn from the Committees on Commerce and Economic Opportunities; and Judiciary.

On motion by Senator Silver, by two-thirds vote—

CS for HB 361—A bill to be entitled An act relating to partnership filings administered by the Department of State; amending s. 620.8101, F.S.; defining the terms “foreign limited liability partnership” and “limited liability partnership” and redefining the term “statement”; amending ss. 620.8103, 620.8105, 620.81055, 620.8106, 620.8201, 620.8303, 620.8304, 620.8306, 620.8307, 620.8701, 620.8702, 620.8703, 620.8704, 620.8801, 620.8805, 620.8806, 620.8807, 620.8903, 620.8904, 620.8906, and 620.8907, F.S.; conforming statutory cross references; providing for registration requirements; providing document filing fees; providing for governing law; providing for partners’ liability; providing for actions for and against partners; providing for purchase of dissociated interests; providing for settlement and contribution; providing for conversions; providing for the effect of merger; creating ss. 620.9001, 620.9002, 620.9003, 620.9101, 620.9102, 620.9103, 620.9104, 620.9105, and 620.187, F.S.; adopting the model act provisions of the limited liability partnership act into the Revised Uniform Partnership Act of 1995; providing for statement of qualification, name, annual report, statement of foreign qualification, effect of failure to qualify, activities not constituting transacting business, action by Attorney General, and limited liability limited partnerships; amending s. 865.09, F.S.; providing for conditions for exemption from fictitious name registration; providing for the use of corporate names; providing for continuation of status of certain registered limited liability partnerships; redesignating s. 620.90, F.S., as s. 620.9901, F.S., relating to applicability; redesignating s. 620.91, F.S., as s. 620.9902, F.S., relating to a saving clause; repealing ss. 620.78, 620.781, 620.782, 620.783, 620.784, 620.7851, 620.786, 620.787, 620.788, 620.7885, 620.7887, and 620.789, F.S., relating to registered limited liability partnerships; providing an effective date.

—a companion measure, was substituted for **CS for SB 1430** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 361** was placed on the calendar of Bills on Third Reading.

On motion by Senator Diaz-Balart—

CS for SB 184—A bill to be entitled An act relating to homestead exemption; creating s. 196.075, F.S.; authorizing boards of county commissioners and municipal governing authorities to grant by ordinance an additional homestead exemption for persons 65 and older whose household income does not exceed a specified amount; defining the terms “household” and “household income”; providing requirements for the ordinances; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 184** was placed on the calendar of Bills on Third Reading.

On motion by Senator Kirkpatrick, by two-thirds vote **HB 1575** was withdrawn from the Committees on Commerce and Economic Opportunities; and Rules and Calendar.

On motion by Senator Kirkpatrick, by two-thirds vote—

HB 1575—A bill to be entitled An act relating to public meetings and public records; creating s. 414.295, F.S.; providing an exemption from

public meetings requirements for any staff meeting, or portion thereof, of the Department of Children and Family Services, Department of Labor and Employment Security, Department of Health, Department of Revenue, WAGES Program State Board of Directors, or a local WAGES coalition, or their contract service providers, at which certain identifying information regarding temporary cash assistance programs, which is restricted pursuant to requirements of federal law, is discussed; providing an exemption from public records requirements for certain identifying information in such entities’ records of such programs; authorizing release of confidential information for specified purposes; providing a prohibition; providing procedures for release of information under specified circumstances; providing a finding of public necessity; providing an effective date.

—a companion measure, was substituted for **CS for SB 2470** and by two-thirds vote read the second time by title.

Senator Kirkpatrick moved the following amendment which was adopted:

Amendment 1 (681266)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 414.295, Florida Statutes, is created to read:

414.295 Temporary cash assistance programs; safeguarding information.—

(1) MEETINGS EXEMPT FROM PUBLIC MEETINGS LAW.—Those portions of a meeting held by the Department of Children and Family Services, the Department of Labor and Employment Security, the Department of Health, the Department of Revenue, the WAGES Program State Board of Directors, or a local WAGES coalition, or service providers under contract to any of these entities, pursuant to the implementation of s. 414.027, s. 414.028, s. 414.030, s. 414.055, s. 414.065, s. 414.075, s. 414.085, s. 414.095, s. 414.105, s. 414.115, s. 414.125, s. 414.13, s. 414.15, s. 414.155, s. 414.16, s. 414.20, s. 414.21, s. 414.22, s. 414.225, s. 414.23, s. 414.24, s. 414.27, s. 414.32, s. 414.35, s. 414.38, s. 414.391, s. 414.392, s. 414.44, or s. 414.70, at which information is discussed which identifies individuals who are receiving temporary cash assistance shall be confidential and exempt from the requirements of s. 286.011 and s. 24(b), Art. I of the State Constitution. This exemption is made in accordance with the requirements of federal law under s. 402 of the Social Security Act, as amended (42 U.S.C. 602), and is not subject to repeal under s. 119.15.

(2) INFORMATION EXEMPT FROM PUBLIC RECORDS LAW.—Information that identifies individuals who are receiving temporary cash assistance in records acquired by the Department of Children and Family Services, the Department of Labor and Employment Security, the Department of Health, the Department of Revenue, the WAGES Program State Board of Directors, or local WAGES coalitions, or service providers under contract to any of these entities, pursuant to the implementation of s. 414.027, s. 414.028, s. 414.030, s. 414.055, s. 414.065, s. 414.075, s. 414.085, s. 414.095, s. 414.105, s. 414.115, s. 414.125, s. 414.13, s. 414.15, s. 414.155, s. 414.16, s. 414.20, s. 414.21, s. 414.22, s. 414.225, s. 414.23, s. 414.24, s. 414.27, s. 414.32, s. 414.35, s. 414.38, s. 414.391, s. 414.392, s. 414.44, or s. 414.70, is confidential and exempt from the public records requirements of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption is made in accordance with the requirements of federal law under s. 402 of the Social Security Act, as amended, 42 U.S.C. 602, and is not subject to repeal under s. 119.15.

(3) RELEASE OF INFORMATION AUTHORIZED FOR SPECIFIED PURPOSES.—Identifying information made confidential and exempt pursuant to this section may be released for purposes directly connected with:

(a) The administration of the temporary assistance for needy families plan under Title IV-A of the Social Security Act, as amended, which may include disclosure of information within and among the Department of Children and Family Services, the Department of Labor and Employment Security, the Department of Health, the Department of Revenue, the WAGES Program State Board of Directors, local WAGES coalitions, and service providers under contract to any of these entities.

(b) The administration of the state’s plan or program approved under Title IV-B, Title IV-D, or Title IV-E of the Social Security Act, as amended, or under Title I, Title X, Title XIV, Title XVI, Title XIX, Title XX, or Title XXI of the Social Security Act, as amended.

(c) Any investigation, prosecution, or criminal or civil proceeding conducted in connection with the administration of any of the plans or programs specified in paragraph (a) or paragraph (b). The department has authority to disclose the current address of a program recipient to a federal, state, or local law enforcement officer at his or her request. Such information shall be disclosed only to law enforcement officers who provide the name of the recipient and satisfactorily demonstrate that:

1. The recipient:

a. Is fleeing to avoid prosecution, or custody or confinement after conviction, under the laws of the place from which the individual flees, for a crime, or an attempt to commit a crime, which is a felony under the laws of the place from which the individual flees, or which, in the case of the State of New Jersey, is a high misdemeanor under the laws of that state;

b. Is violating a condition of probation or parole imposed under federal or state law; or

c. Has information that is necessary for the officer to conduct the official duties of the officer.

2. The location or apprehension of the individual is within the law officer's official duties; and

3. The request is made in the proper exercise of those duties. However, the information may only be used within the proper exercise of those duties.

(d) The administration of any other state, federal, or federally assisted program that provides assistance, in cash or in kind, or services, directly to individuals on the basis of need.

(e) Any audit or similar activity, such as a review of expenditure reports or financial review, conducted in connection with the administration of any of the plans or programs specified in paragraph (a) or paragraph (b), by any governmental entity that is authorized by law to conduct such audit or activity.

(f) The administration of the unemployment compensation program.

(g) The reporting to the appropriate agency or official of information about known or suspected instances of physical or mental injury, sexual abuse or exploitation, or negligent treatment or maltreatment of a child receiving assistance, under circumstances that indicate that the child's health or welfare is threatened.

Disclosure or publication of any information or lists that identify by name or address any program recipient, to any federal, state, or local committee or legislative body other than in connection with any activity under this subsection, is prohibited.

(4) PROCEDURES FOR RELEASE OF CERTAIN INFORMATION.—

(a) Except under court order, the release or use of confidential information concerning individuals receiving temporary cash assistance may be made only under a protocol that maintains standards of confidentiality which are comparable to those that apply to the department. Local WAGES coalitions and their employees and contract providers shall meet the same standards of confidentiality as those that apply to the department. With regard to the information made confidential in this section, the state agencies charged by law to implement the WAGES Program may receive the information.

(b) In the event of the issuance of a subpoena for the case record of a program recipient or for any agency representative to testify concerning information about a recipient rendered confidential by this section, the public record or part thereof in question shall be submitted to the court for an inspection in camera. An inspection in camera shall be discretionary with the court, and the court may make such provisions as it finds necessary to maintain appropriate confidentiality.

(c) In the event that information is obtained from program recipients through an integrated eligibility process such that the requirements of more than one state or federal program apply to the information, the requirements of the program that is the provider of the information shall prevail. If the department cannot determine which program is the pro-

vider of the information, the requirements of each applicable state or federal program shall be met.

Section 2. (1) The Legislature finds that it is a public necessity that the records and meetings held pursuant to the implementation of ss. 414.027, 414.028, 414.030, 414.055, 414.065, 414.075, 414.085, 414.095, 414.105, 414.115, 414.125, 414.13, 414.15, 414.155, 414.16, 414.20, 414.21, 414.22, 414.225, 414.23, 414.24, 414.27, 414.32, 414.35, 414.38, 414.391, 414.392, 414.44, and 414.70, Florida Statutes, be held confidential and exempt from the public records and public meetings laws for the following reasons:

(a) The state has compelling interests in ensuring that individuals eligible for temporary cash assistance enter into and fully participate in WAGES Programs to assist them in attaining self-sufficiency, including programs to deal with problems such as illiteracy, substance abuse, and mental health. The fear of public disclosure of personal information by participants in temporary cash assistance programs and by their children constitutes a significant disincentive for their full participation in programs to assist in the development of independence and makes more difficult the development of a sense of self-worth that is essential to the process of moving towards independence.

(b) The state has compelling interests in ensuring that meetings concerning temporary cash assistance cases be able to consider information regarding eligibility for cash assistance, hardship exemption, extension of time limits, and other provisions of the program that may require information from many sources, much of which is subject to federal and state confidentiality laws.

(c) The state has a compelling interest in protecting the children of families receiving temporary cash assistance and participating in related intervention programs from the trauma of public disclosure of personal information.

(d) The state has a compelling interest in the protection of victims of domestic violence. Among recipients of cash assistance are victims of domestic violence who may be traumatized or placed in danger by public disclosure of their identity, personal address, or other personal information.

(2) Therefore, for the reasons stated in this section, the Legislature finds that it is a public necessity that the access to records that contain and the meetings at which are discussed personal information of recipients of temporary cash assistance shall be limited as provided for in this act.

Section 3. Section 414.29, Florida Statutes, is repealed.

Section 4. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to public meetings and public records; creating s. 414.295, F.S.; providing an exemption from public meetings requirements for portions of certain meetings of the Department of Children and Family Services, Department of Labor and Employment Security, Department of Health, Department of Revenue, WAGES Program State Board of Directors, or a local WAGES coalition, or their contract service providers, at which certain identifying information regarding temporary cash assistance programs, which is restricted pursuant to requirements of federal law, is discussed; providing an exemption from public records requirements for certain identifying information in such entities' records of such programs; authorizing release of confidential information for specified purposes; providing a prohibition; providing procedures for release of information under specified circumstances; providing a finding of public necessity; repealing s. 414.29, F.S., which provides for certain records relating to recipients of temporary cash assistance to be public records; providing an effective date.

Pursuant to Rule 4.19, **HB 1575** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Klein, by two-thirds vote **CS for HB 1513** was withdrawn from the Committees on Commerce and Economic Opportunities; Judiciary; and Fiscal Policy.

On motion by Senator Klein, by two-thirds vote—

CS for HB 1513—A bill to be entitled An act relating to limited liability companies; amending ss. 608.401, 608.402, 608.403, 608.404, 608.406, 608.407, 608.408, 608.4081, 608.4082, 608.409, 608.4101, 608.411, 608.415, 608.416, 608.4211, 608.422, 608.4225, 608.423, 608.4231, 608.4232, 608.425, 608.426, 608.4261, 608.427, 608.428, 608.432, 608.433, 608.434, 608.436, 608.4362, 608.4363, 608.437, 608.438, 608.4381, 608.4383, 608.4384, 608.441, 608.4421, 608.444, 608.447, 608.448, 608.4481, 608.449, 608.4492, 608.4511, 608.452, 608.455, 608.463, 608.471, 608.502, 608.503, 608.504, 608.505, 608.507, 608.508, 608.512, 608.5135, F.S.; revising provisions of chapter 608, F.S., relating to limited liability companies; clarifying and updating such provisions to reflect current operating procedures; providing for requirements, limitations, procedures, rights, liabilities, reports, fees, and penalties; creating s. 608.4115, F.S.; providing for correcting certain articles of organization; providing for effect; creating s. 608.4226, F.S.; providing for resolving conflicts of interest; creating s. 608.4235, F.S.; providing for agency of members and managers; creating s. 608.4236, F.S.; providing for delegation of rights and powers to manage; creating s. 608.4237, F.S.; providing for membership termination upon bankruptcy; creating s. 608.439, F.S.; providing for conversion of certain entities to a limited liability company; creating s. 608.601, F.S.; providing for member's derivative actions; creating ss. 608.701, 608.702, and 608.703, F.S.; providing for application of certain case law for certain purposes; providing for receiving certificates and certified copies into evidence; providing for interrogatories by the Department of State; repealing s. 608.4062, F.S., relating to foreign limited liability companies; repealing s. 608.412, F.S., relating to supplemental affidavit of capital contributions; repealing s. 608.424, F.S., relating to contracting debts; repealing s. 608.4494, F.S., relating to deposit with the Department of Banking and Finance; providing an effective date.

—a companion measure, was substituted for **CS for SB 1696** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 1513** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bronson—

CS for SB 1250—A bill to be entitled An act relating to the Department of Environmental Protection; amending s. 20.255, F.S.; deleting the Office of the Youth Corps; renaming the Division of Water Facilities as the Division of Resource Management; deleting the Division of Environmental Resource Permitting; amending s. 373.4145, F.S.; conforming references; extending the expiration date for the interim permitting authority of the Department of Environmental Protection in the Northwest Florida Water Management District pending adoption of rules; directing the Northwest Florida Water Management District and the Department of Environmental Protection to develop a plan to implement a permitting program under part IV of chapter 373, F.S., which is substantially equivalent to that in the rest of the state by January 1, 2002; requiring submittal of the plan to the Governor and the Legislature; authorizing the department and the Northwest Florida Water Management District to adopt rules implementing part IV of chapter 373, F.S., by January 1, 2002; amending s. 86, ch. 93-213, Laws of Florida; forgiving the repayment of a loan; amending ss. 252.937, 378.901, 403.021, F.S.; conforming a statutory cross-reference; providing an effective date.

—was read the second time by title.

Senator Clary moved the following amendment which was adopted:

Amendment 1 (683336)(with title amendment)—On page 4, between lines 6 and 7, insert:

Section 2. *If the Department of Environmental Protection or a water management district has made a payment in lieu of taxes to a governmental entity and subsequently suspended such payment, the department or water management district shall reinstate appropriate payment and continue the payments in consecutive years until the governmental entity has received a total of ten payments for each tax loss.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 8, after the first semicolon (;) insert: reinstating payment in lieu of taxes;

Senator Bronson moved the following amendments which were adopted:

Amendment 2 (331420)(with title amendment)—On page 8, between lines 23 and 24, insert:

(d) Any jurisdictional declaratory statement issued for a project within the geographic jurisdiction of the Northwest Florida Water Management District that is valid on July 1, 1999 and for which there has been issued a permit pursuant to chapters 403 and 373 for a phase of that project and which identified proposed future development, including mitigation, that would require an additional permit pursuant to chapters 403 and 373 shall not expire until January 1, 2002.

And the title is amended as follows:

On page 1, line 24, after the semicolon (;) insert: providing that certain jurisdictional declaratory statements will not expire until January 1, 2002;

Amendment 3 (323428)(with title amendment)—On page 11, between lines 4 and 5, insert:

Section 7. Section 373.136, Florida Statutes, is amended to read:

373.136 Enforcement of regulations and orders.—

(1) The governing board may enforce its regulations and orders adopted pursuant to this chapter, by suit for injunction or other appropriate action in the courts of the state.

(2) *Any person who prevails in an action or legal proceeding brought against them by the department, the governing board of any water management district, any local board, or a local government to which authority has been delegated under s. 373.103(8), pursuant to this chapter shall be entitled to recover reasonable attorney's fees and costs.*

(3)(2) Any action by a citizen of the state to seek judicial enforcement of any of the provisions of this chapter shall be governed by the Florida Environmental Protection Act, s. 403.412.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 26, after the semicolon (;) insert: amending s. 373.136, F.S.; allowing the prevailing party to recover attorney's fees and costs;

Senator Bronson moved the following amendment:

Amendment 4 (562182)(with title amendment)—On page 11, between lines 4 and 5, insert:

Section 7. *Notwithstanding section 20.255(2), Florida Statutes, the Secretary of the Department of Environmental Protection is authorized to restructure and reorganize the department within the current statutory prescribed divisions and in compliance with section 216.292(4), Florida Statutes, 1998 Supplement, to increase efficiency in carrying out the agency's statutory mission and objectives. The Secretary shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than December 1999 on the department's organizational structure and provide statutory changes needed to accomplish the new structure.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 28, after the semicolon (;) insert: providing authorization for the Secretary of the Department of Environmental Protection to reorganize the department under certain conditions;

Senator Bronson moved the following amendment to **Amendment 4** which was adopted:

Amendment 4A (033324)—On page 1, delete lines 23-28 and insert: *the agency's statutory mission and objectives. Actions taken under the authority granted by this section must be taken in consultation with*

the Executive Office of the Governor. The secretary shall submit a report describing actions taken and additional plans for implementing the provisions of this section to the Governor, the President of the Senate, and the Speaker of the House of Representatives by 30 days after this bill becomes a law. The department shall submit status reports on a monthly basis through December 1999.

Amendment 4 as amended was adopted.

Pursuant to Rule 4.19, **CS for SB 1250** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Forman—

CS for SB 2214—A bill to be entitled An act relating to persons with developmental disabilities; amending s. 393.062, F.S.; providing legislative intent with respect to the eligibility criteria for intermediate-care facilities for the developmentally disabled; amending s. 393.065, F.S., relating to applications for developmental services; conforming provisions to the transfer of duties to the Department of Children and Family Services; requiring that the Department of Children and Family Services make certain assessments with respect to prospective residents of intermediate-care facilities; amending ss. 393.066, 393.067, F.S.; conforming provisions to the transfer of duties to the Department of Children and Family Services; revising requirements for emergency-management plans; deleting a requirement that the Agency for Health Care Administration establish standards for certain facilities that serve as shelters; amending s. 393.0673, F.S.; increasing the amount of certain administrative fines; amending s. 393.22, F.S.; requiring that when persons with developmental disabilities leave institutional care, a specified amount of funds for the direct costs of providing such care be transferred to fund community services; amending s. 409.906, F.S.; authorizing the Governor to direct the Agency for Health Care Administration to delete an optional Medicaid service pertaining to intermediate-care facilities for the developmentally disabled; revising the requirements for such services provided as an optional Medicaid service; amending s. 409.9127, F.S.; prohibiting conflicts of interest between vendors that provide certain preauthorization and utilization review services and organizations that provide services to disabled persons; requiring the Agency for Health Care Administration to help the Department of Children and Family Services conduct certain assessments; creating part X of chapter 400, F.S., consisting of ss. 400.960-400.968, F.S.; providing definitions; providing requirements for license applications; providing requirements for background screening; providing for provisional licensure; providing for license renewal; authorizing the Agency for Health Care Administration to institute injunctive proceedings to enforce part X of chapter 400, F.S.; providing for personnel screening; specifying grounds under which the agency may take action against a licensee; authorizing the agency to institute receivership proceedings; providing rulemaking authority; providing for the classification of deficiencies; providing for the approval of plans and specifications; providing for certain officers of the agency, the state, and the fire marshal to have a right to enter a licensed facility; providing for a moratorium on admissions to a facility; providing penalties; requiring that the Department of Children and Family Services design a system to provide consumer-directed and choice-based services; providing for pilot programs to test a payment model; requiring a report to the Legislature; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2214** was placed on the calendar of Bills on Third Reading.

On motion by Senator Saunders—

SB 956—A bill to be entitled An act relating to correctional facilities; creating s. 784.078, F.S.; defining the terms “facility” and “employee”; defining the offense of battery of facility employee by throwing, tossing, or expelling certain fluids or materials on an employee of a correctional facility of the state or local government or a secure facility operated and maintained by the Department of Corrections or the Department of Juvenile Justice or other facility employee, so as to cause or attempt to cause such employee to come into contact with the fluid or material; providing penalties; amending s. 921.0022, F.S.; providing for ranking the offense of battery of a facility employee for purposes of the Criminal

Punishment Code offense severity ranking chart; amending s. 945.35, F.S.; providing an educational requirement for correctional facility inmates on communicable diseases; providing, upon the request of a correctional officer or other employee or any unincarcerated person lawfully present in a correctional facility, for testing of such persons and any inmate who may have transmitted a communicable disease to such persons; providing for results to be communicated to affected parties; providing for access to health care; providing that test results are inadmissible in court cases; requiring the department to adopt rules; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 956** was placed on the calendar of Bills on Third Reading.

On motion by Senator Rossin—

SB 1172—A bill to be entitled An act relating to public records; providing an exemption from public records requirements for information provided to state attorneys and sheriffs by persons who take minor children when fleeing from domestic violence; providing for future review and repeal; providing findings of public necessity; providing a contingent effective date.

—was read the second time by title.

Senator Rossin moved the following amendment which was adopted:

Amendment 1 (805028)(with title amendment)—On page 1, delete lines 13-21 and insert:

Section 1. Paragraph (c) is added to subsection (6) of section 787.03, Florida Statutes, as amended by SB 1174, to read:

787.03 Interference with custody.—

(6)

(c) Information provided to a state attorney or sheriff under paragraph (b) is confidential and is exempt from s. 119.07(1) and section 24(a), Article I of the State Constitution. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2004, unless reviewed and saved from repeal through reenactment by the Legislature.

And the title is amended as follows:

On page 1, line 2, following the semicolon (;) insert: amending s. 787.03, F.S.;

Pursuant to Rule 4.19, **SB 1172** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Rossin—

SB 1174—A bill to be entitled An act relating to interference with custody; amending s. 787.03, F.S.; prescribing duties of persons who take minor children when fleeing from situations of actual or threatened domestic violence; providing penalties; providing an effective date.

—was read the second time by title.

Senator Rossin moved the following amendments which were adopted:

Amendment 1 (573688)(with title amendment)—On page 2, delete line 11 and insert:

(b) The defendant was the victim of an act of domestic violence or had reasonable cause to believe that his or her action was necessary to protect himself or herself from an act of domestic violence as defined in s. 741.28.

(c) ~~(b)~~ The child or incompetent person was taken away at

And the title is amended as follows:

On page 1, line 3, after the semicolon (;) insert: providing for a defense;

Amendment 2 (851950)—On page 2, line 30, before “report” insert: *written*

Pursuant to Rule 4.19, **SB 1174** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Grant, by two-thirds vote **CS for HB 403** was withdrawn from the Committee on Banking and Insurance.

On motion by Senator Grant, the rules were waived and by two-thirds vote—

CS for HB 403—A bill to be entitled An act relating to title insurance; amending ss. 624.509, 626.841, 626.8411, 626.9541, 627.7711, 627.777, 627.7773, 627.7776, 627.780, 627.783, 627.7831, 627.784, 627.7841, 627.7842, 627.7845, 627.786, 627.791, and 627.792, F.S.; revising and clarifying application of provisions relating to title insurance agents, policies, premiums, rates, contracts, charges, and practices; amending s. 625.111, F.S.; specifying the components of unearned premium reserve for certain financial statements; providing a formula for releasing unearned premium reserve over a period of years; providing definitions; amending s. 627.7711, F.S.; revising definitions; amending s. 627.782, F.S.; providing a limitation on payment of portions of premiums for primary title services; creating s. 627.7825, F.S.; specifying certain alternative premium rates to be charged by title insurers for certain title insurance contracts for a certain period; providing requirements; providing limitations; providing for a new home purchase discount; excepting such rates from certain deviation provisions under certain circumstances; creating s. 627.793, F.S.; authorizing the Department of Insurance to adopt rules; providing an effective date.

—a companion measure, was substituted for **CS for SB 746** and by two-thirds vote read the second time by title.

Senator Kirkpatrick moved the following amendment which failed:

Amendment 1 (040510)—On page 17, line 24 through page 22, line 2, delete those lines and insert:

Section 12. Section 627.7825, Florida Statutes, is created to read:

627.7825 *Alternative rate adoption.*—Notwithstanding s. 627.782(1) and (7), the premium rates to be charged by title insurers in this state from July 1, 1999, through June 30, 2000, for title insurance contracts shall be as set forth in this section. The rules related to premium rates for title insurance, including endorsements, adopted by the department and in effect on April 1, 1999, that do not conflict with the provisions of this section shall remain in effect until June 30, 2000. The department shall not grant a rate deviation pursuant to s. 627.783 for the premium rates established in this section and in department rules in effect on April 1, 1999, that do not conflict with this section.

(1) ORIGINAL TITLE INSURANCE RATES.—

(a) For owner and leasehold title insurance:

1. The premium for the original owner's or for leasehold insurance shall be:

	Per Thousand	Minimum Insurer Retention
From \$0 to \$100,000 of liability written	\$5.35	30%
From \$100,000 to \$1 million, add	\$4.65	30%
Over \$1 million and up to \$10 million, add	\$2.80	35%
Over \$10 million, add	\$2.10	40%

The minimum premium for all conveyances except multiple conveyances shall be \$100. The minimum premium for multiple conveyances on the same property shall be \$60.

2. In all cases, the owner's policy shall be issued for the full insurable value of the premises.

(b) For mortgage title insurance:

1. The premium for the original mortgage title insurance shall be:

	Per Thousand	Minimum Insurer Retention
From \$0 to \$100,000 of liability written	\$5.35	30%
From \$100,000 to \$1 million, add	\$4.65	30%
Over \$1 million and up to \$10 million, add	\$2.80	35%
Over \$10 million, add	\$2.10	40%

The minimum premium for all conveyances except multiple conveyances shall be \$100. The minimum premium for multiple conveyances on the same property shall be \$60.

2. A mortgage title insurance policy shall not be issued for an amount less than the full principal debt. A policy may, however, be issued for an amount up to 25 percent in excess of the principal debt to cover interest and foreclosure costs.

(2) REISSUE RATES.—

(a) The reissue premium charge for owner's, mortgage, and leasehold title insurance policies shall be:

	Per Thousand
Up to \$100,000 of liability written	\$3.30
Over \$100,000 and up to \$1 million, add	\$3.00
Over \$1 million and up to \$10 million, add	\$2.00
Over \$10 million, add	\$1.50

The minimum premium shall be \$100.

(b) Provided a previous owner's policy was issued insuring the seller or the mortgagor in the current transaction and that both the reissuing agent and the reissuing underwriter retain for their respective files copies of the prior owner's policy or policies, the reissue premium rates in paragraph (a) shall apply to:

1. Policies on real property which is unimproved except for roads, bridges, drainage facilities, and utilities if the current owner's title has been insured prior to the application for a new policy;

2. Policies issued with an effective date of less than 3 years after the effective date of the policy insuring the seller or mortgagor in the current transaction; or

3. Mortgage policies issued on refinancing of property insured by an original owner's policy which insured the title of the current mortgagor.

(c) Any amount of new insurance, in the aggregate, in excess of the amount under the previous policy shall be computed at the original owner's or leasehold rates, as provided in subsection (1).

(3) NEW HOME PURCHASE DISCOUNT.—Provided the seller has not leased or occupied the premises, the original premium for a policy on the first sale of residential property with a one to four family improvement that is granted a certificate of occupancy shall be discounted by the amount of premium paid for any prior loan policies insuring the lien of a mortgage executed by the seller on the premises. In the case of prior loan policies insuring the lien of a mortgage on multiple units or parcels, the discount shall be prorated by dividing the amount of the premium paid for the prior loan policies by the total number of units or parcels without regard to varying unit or parcel value. The minimum new home purchase premium shall be \$200. The new home purchase discount may not be combined with any other reduction from original premium rates provided for in this section. The insurer shall reserve for unearned premiums only on the excess amount of the policy over the amount of the actual or prorated amount of the prior loan policy.

(4) SUBSTITUTION LOANS RATES.—

(a) When the same borrower and any lender make a substitution loan on the same property, the title to which was insured by an insurer in connection with the previous loan, the following premium rates for substitution loans shall apply:

Age of Previous Loan	Premium Rates
3 years or under	30 percent of the original rates
From 3 to 4 years	40 percent of the original rates
From 4 to 5 years	50 percent of the original rates
From 5 to 10 years	60 percent of the original rates
Over 10 years	100 percent of original rates

The minimum premium for substitution loan rates shall be \$100.

(b) At the time a substitution loan is made, the unpaid principal balance of the previous loan will be considered the amount of insurance in force on which the foregoing premium rates shall be calculated. To these rates shall be added the original rates in the applicable schedules for any new insurance, including any difference between the unpaid principal balance of the previous loan and the amount of the new loan.

Pursuant to Rule 4.19, **CS for HB 403** was placed on the calendar of Bills on Third Reading.

On motion by Senator Brown-Waite—

SB 674—A bill to be entitled An act relating to public records; providing an exemption from public records requirements for information about patients of home medical equipment providers which is obtained by employees or service providers or the licensing agency; providing an exemption from public records requirements for information obtained by the Agency for Health Care Administration or a home medical equipment provider in connection with background screening of prospective employees of the provider; providing for future review and repeal; providing findings of public necessity; providing a contingent effective date.

—was read the second time by title.

Senator Brown-Waite moved the following amendment which was adopted:

Amendment 1 (861014)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *Medical and other personal information about patients of a home medical equipment provider which is received by the licensing agency through reports or inspection is confidential and exempt from the provisions of section 119.07(1), Florida Statutes, and section 24(a), Article I of the State Constitution. This section is subject to the Open Government Sunset Review Act of 1995 in accordance with section 119.15, Florida Statutes, and shall stand repealed on October 2, 2004, unless reviewed and saved from repeal through reenactment by the Legislature.*

Section 2. *The Legislature finds that exempting medical and other personal information related to patients of home medical equipment providers from public records law requirements is a public necessity, in that the harm caused by the release of such personal and sensitive information outweighs any public benefit derived from releasing such information. The patients of home medical equipment providers need assurances that the medical and other information of a sensitive personal nature they share with the providers will be held in confidence by the licensing agency in order for the patients to provide essential, accurate information about themselves related to home medical equipment. The public disclosure of such information would lead to a reluctance on the part of patients to provide accurate information which would result in an adverse impact on their health.*

Section 3. This act shall take effect on the same date that House Bill 247 or similar legislation creating part X of chapter 400, Florida Statutes, requiring licensure of home medical equipment providers, takes effect, if such legislation is adopted in the same legislative session or an extension thereof.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to public records; providing an exemption from public records requirements for medical and other personal information about patients of home medical equipment providers which is obtained by the licensing agency; providing for future review and repeal; providing findings of public necessity; providing a contingent effective date.

Pursuant to Rule 4.19, **SB 674** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Laurent—

CS for SB 1118—A bill to be entitled An act relating to aquaculture; amending s. 370.027, F.S.; providing that marine aquaculture products

are exempt from Fish and Wildlife Conservation Commission resource management rules, except for snook; amending s. 370.06, F.S.; authorizing the Fish and Wildlife Conservation Commission to issue special activity permits for importation and possession of sturgeon; requiring that specific management practices be incorporated into special activity licenses; amending s. 370.081, F.S.; authorizing aquaculture producers to import and possess sturgeon; amending s. 370.10, F.S.; authorizing the taking of saltwater species for aquacultural purposes; amending s. 370.1107, F.S.; making it unlawful to interfere with live bait traps; amending s. 370.26, F.S.; redefining the terms "marine product facility" and "marine aquaculture producer"; amending s. 370.31, F.S.; providing responsibilities for the Sturgeon Production Working Group; amending s. 372.0025, F.S.; providing for regulatory responsibilities over the Florida Aquaculture Policy Act; amending s. 372.65, F.S.; providing for an exemption; amending s. 597.0015, F.S.; redefining the term "aquaculture producers"; amending s. 597.004, F.S.; providing for restrictions on aquaculture certificates; amending s. 597.0041, F.S.; providing for the revocation of certificates; creating s. 597.0045, F.S.; providing a cultured shellfish theft reward program; providing for administration; providing a severability clause; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 1118** to **CS for HB 1143**.

Pending further consideration of **CS for SB 1118** as amended, on motion by Senator Laurent, by two-thirds vote **CS for HB 1143** was withdrawn from the Committees on Agriculture and Consumer Services; and Natural Resources.

On motion by Senator Laurent, by two-thirds vote—

CS for HB 1143—A bill to be entitled An act relating to aquaculture; amending s. 370.027, F.S.; providing that marine aquaculture products are exempt from Fish and Wildlife Conservation Commission resource management rules, except for snook; amending s. 370.06, F.S.; authorizing the Fish and Wildlife Conservation Commission to issue special activity permits for importation and possession of sturgeon; requiring that specific management practices be incorporated into special activity licenses; amending s. 370.10, F.S.; authorizing the taking of saltwater species for aquacultural purposes; amending s. 370.1107, F.S.; making it unlawful to interfere with live bait traps; amending s. 370.26, F.S.; redefining the terms "marine product facility" and "marine aquaculture producer"; amending s. 370.31, F.S.; providing responsibilities for the Sturgeon Production Working Group; amending s. 372.0025, F.S.; amending s. 581.145(3), F.S.; allowing water hyacinths to be sold outside the United States; providing for regulatory responsibilities over the Florida Aquaculture Policy Act; amending s. 372.65, F.S.; providing for an exemption; amending s. 597.0015, F.S.; redefining the term "aquaculture producers"; amending s. 597.004, F.S.; providing for restrictions on aquaculture certificates; amending s. 597.0041, F.S.; providing for the revocation of certificates; creating s. 597.0045, F.S.; providing a cultured shellfish theft reward program; providing for administration; providing a severability clause; providing an effective date.

—a companion measure, was substituted for **CS for SB 1118** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 1143** was placed on the calendar of Bills on Third Reading.

On motion by Senator Holendorf, by two-thirds vote **HB 47** was withdrawn from the Committees on Fiscal Resource and Transportation.

On motion by Senator Holendorf, by two-thirds vote—

HB 47—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.031, F.S.; exempting property used as a travel center/truck stop facility from the tax on the rental or lease of, or grant of a license to use, real property; providing an effective date.

—a companion measure, was substituted for **SB 142** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 47** was placed on the calendar of Bills on Third Reading.

On motion by Senator Forman—

CS for SB 698—A bill to be entitled An act relating to public school curricula; amending s. 233.061, F.S.; including a secular character-development program in required public school instruction in the elementary schools; amending s. 233.0612, F.S.; deleting a provision encouraging school boards to institute such programs; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 698** to **CS for HB 365**.

Pending further consideration of **CS for SB 698** as amended, on motion by Senator Forman, by two-thirds vote **CS for HB 365** was withdrawn from the Committees on Education and Fiscal Policy.

On motion by Senator Forman, by two-thirds vote—

CS for HB 365—A bill to be entitled An act relating to public school curricula; amending s. 233.061, F.S.; including a secular character-development program in required public school instruction in the elementary schools; amending s. 233.0612, F.S.; including ethics in authorized public school instruction; deleting a provision encouraging school boards to institute such programs; providing an effective date.

—a companion measure, was substituted for **CS for SB 698** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 365** was placed on the calendar of Bills on Third Reading.

On motion by Senator Klein—

CS for CS for CS for SB 2192—A bill to be entitled An act relating to civil commitment of sexually violent predators; providing a directive to the Division of Statutory Revision; transferring provisions relating to civil commitment of sexually violent predators to ch. 394, F.S., relating to mental health; amending s. 27.51, F.S.; clarifying duty of the public defender to represent sexually violent predators who are indigent; prohibiting a public defender from representing such persons in civil actions and administrative proceedings; renumbering and amending s. 916.31, F.S.; conforming cross-references; creating s. 394.911, F.S.; declaring legislative intent with respect to procedures to be used for commitment of sexually violent predators; renumbering and amending s. 916.32, F.S.; defining the term “secretary”; redefining the term “sexually violent offense” to revise the applicability of the act; clarifying the term “total confinement” for purposes of the act; renumbering and amending s. 916.33, F.S.; prescribing additional notice requirements; requiring additional information; revising composition of multidisciplinary teams; providing for additional elements of assessment of offenders; providing clarification on assessments and recommendations to state attorneys; creating s. 394.9135, F.S.; prescribing procedures to be followed for evaluation and filing petitions for offenders being immediately released from confinement; renumbering and amending s. 916.34, F.S.; revising requirements for filing a petition; renumbering and amending s. 916.35, F.S.; revising procedures relating to determination of probable cause; creating s. 394.9155, F.S.; providing rules of procedure and evidence; renumbering and amending s. 916.36, F.S.; prescribing jury size in a trial to determine whether a person is a sexually violent predator; renumbering and amending s. 916.37, F.S.; revising commitment procedures; providing for payment for counsel and costs in cases involving indigent defendants; renumbering and amending s. 916.38, F.S.; conforming cross-references; renumbering and amending s. 916.39, F.S.; conforming terminology; renumbering and amending s. 916.40, F.S.; revising procedures for petitioning for release; renumbering and amending s. 916.41, F.S.; revising guidelines relating to release of records; renumbering and amending s. 916.42, F.S.; conforming cross-references; renumbering and amending s. 916.43, F.S.; conforming cross-references; renumbering and amending s. 916.44, F.S.; conforming cross-references; renumbering and amending s. 916.45, F.S.; revising provision relating to applicability of act; renumbering and amending s. 916.46, F.S.; revising notice requirements upon release of persons committed as sexually violent predators; renumbering and amending s. 916.47, F.S.; providing requirement to notify specified persons upon escape of person committed as sexually violent predators; renumbering and amending s. 916.48, F.S.; conform-

ing cross-references; renumbering and amending s. 916.49, F.S.; conforming cross-references; creating s. 394.930, F.S.; directing the Department of Children and Family Services to adopt certain rules; requiring the Department of Corrections to produce quarterly reports; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study and report to the Legislature; providing an effective date.

—was read the second time by title.

Senator Klein moved the following amendments which were adopted:

Amendment 1 (925464)—On page 11, line 1, after “secretary” insert: *or his or her designee*

Amendment 2 (764286)—On page 14, delete lines 24 and 25 and insert: **916.33**, *the court may conduct an adversarial probable cause hearing if it determines such hearing is necessary state attorney may further petition the court for an adversarial probable cause hearing. The court shall only consider whether to have an adversarial probable cause hearing in cases where the failure to begin a trial is not the result of any delay caused by the respondent.* The person shall be

Senator Burt moved the following amendment which was adopted:

Amendment 3 (953332)(with title amendment)—On page 30, between lines 12 and 13, insert:

Section 28. The Department of Children and Family Services shall contract with the Correctional Privatization Commission created under chapter 957, Florida Statutes, from funds contained in the 1999-2000 General Appropriations Act for the purpose of creating The Jimmy Ryce Treatment Facility. The commission is directed to develop and issue by September 1, 1999, a request for proposals for the financing, designing, constructing, acquiring, owning, leasing, and operating of a treatment facility, to house and rehabilitate individuals committed under the Jimmy Ryce Act of 1998. The commission shall determine the feasibility of using an existing privately owned or state-owned facility prior to the issuance of the request for proposals. If the commission determines that a new facility is necessary, the facility shall be designed with an initial capacity for 450 individuals. The facility shall also be designed with expansion capabilities to serve additional individuals committed under the Jimmy Ryce Act of 1998. The provisions of section 957.07, Florida Statutes, and section 957.11, Florida Statutes, shall not apply to this procurement. The commission shall enter into contracts as soon as possible with a provider for the financing, designing, constructing, acquiring, owning, leasing, and operating of the Jimmy Ryce Treatment Facility. The operations contract shall be for an initial period of three years with options to renew. The commission and the Department of Children and Family Services shall enter into an interagency agreement for the commission to provide contract monitoring and auditing of the operation of the facility by the contractor in accordance with standards established by the Department of Children and Family Services. The commission shall invite proposers to present various financing options in their proposals and shall determine which financing mechanism is in the best interests of the state. The selected contractor is authorized to enter into a lease arrangement or other private financing, or to sponsor the issuance of tax exempt bonds, certificates of participation, or other public or private means to finance the project. The state is authorized to enter into all such agreements as are necessary including lease alternatives to bring this project to operational and lease commencement.

And the title is amended as follows:

On page 3, line 15, after the semicolon (;) insert: *requiring the Department of Children and Family Services to contract with the Correctional Privatization Commission to create the Jimmy Ryce Treatment Facility; directing a request for proposals be developed and issued by a specified date; providing for an initial capacity of the facility, exempting specified provisions; providing for an interagency agreement for monitoring and auditing of the facility; providing for financing options to be used by the selected contractor;*

Pursuant to Rule 4.19, **CS for CS for CS for SB 2192** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Sebesta—

CS for SB 1846—A bill to be entitled An act relating to the tax on diesel fuel; amending s. 206.8745, F.S.; providing for a refund of tax paid on undyed diesel fuel consumed by the engine of a qualified motor coach during idle time for certain purposes; defining “motor coach”; providing restrictions on refunds; providing for proper documentation; granting the Department of Revenue authority to adopt rules; amending s. 206.41, F.S.; providing for sales invoices; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1846** was placed on the calendar of Bills on Third Reading.

RECESS

On motion by Senator McKay, the Senate recessed at 12:30 p.m. to reconvene at 1:15 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 1:24 p.m. A quorum present—36:

Madam President	Dawson-White	Horne	Myers
Bronson	Diaz-Balart	Jones	Rossin
Brown-Waite	Dyer	King	Saunders
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Sebesta
Carlton	Grant	Laurent	Silver
Casas	Gutman	McKay	Sullivan
Clary	Hargrett	Meek	Thomas
Cowin	Holzendorf	Mitchell	Webster

By direction of the President, the Senate reverted to—

BILLS ON THIRD READING

Consideration of **SB 148** was deferred.

SB 1866—A bill to be entitled An act relating to the use of force by law enforcement officers or correctional officers; amending s. 776.06, F.S.; providing that the term “deadly force” does not include the discharge of a firearm during and within the scope of his or her official duties which is loaded with a less-lethal munition; defining the term “less-lethal munition”; providing that a law enforcement officer or correctional officer is not civilly or criminally liable for the good-faith use of any less-lethal munition; providing an effective date.

—as amended April 22 was read the third time by title.

On motion by Senator Webster, **SB 1866** as amended was passed and certified to the House. The vote on passage was:

Yeas—36

Madam President	Dawson-White	Horne	Myers
Bronson	Diaz-Balart	Jones	Rossin
Brown-Waite	Dyer	King	Saunders
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Sebesta
Carlton	Grant	Laurent	Silver
Casas	Gutman	McKay	Sullivan
Clary	Hargrett	Meek	Thomas
Cowin	Holzendorf	Mitchell	Webster

Nays—None

Consideration of **HB 699** and **CS for HB 1749** was deferred.

CS for CS for HB 9—A bill to be entitled An act relating to patriotic programs; creating s. 233.0655, F.S.; authorizing district school board rules to require patriotic programs; providing program requirements; requiring recitation of the pledge of allegiance; amending s. 256.11, F.S.; revising the penalty for willfully causing the flag to fail to be properly displayed; providing an effective date.

—as amended April 22 was read the third time by title.

On motion by Senator Carlton, **CS for CS for HB 9** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Madam President	Dawson-White	King	Saunders
Bronson	Diaz-Balart	Klein	Scott
Brown-Waite	Dyer	Kurth	Sebesta
Burt	Forman	Laurent	Silver
Campbell	Geller	Lee	Sullivan
Carlton	Grant	McKay	Thomas
Casas	Gutman	Meek	Webster
Childers	Hargrett	Mitchell	
Clary	Horne	Myers	
Cowin	Jones	Rossin	

Nays—None

Vote after roll call:

Yea—Holzendorf

CS for HB 223—A bill to be entitled An act relating to governmental conflict resolution; amending s. 164.101, F.S.; renaming the “Florida Governmental Cooperation Act” as the “Florida Governmental Conflict Resolution Act”; amending s. 164.102, F.S.; providing purpose and intent; creating s. 164.1031, F.S.; providing definitions; creating s. 164.1041, F.S.; providing that, when a local or regional governmental entity files suit against another such governmental entity, court proceedings shall be abated by order of the court until the procedural options of the act have been exhausted, except in specified circumstances; providing for review by the court of the justification for failure to comply with the act; creating s. 164.1051, F.S.; specifying the governmental conflicts to which the act applies; creating s. 164.1052, F.S.; providing procedures and requirements for initiation of conflict resolution procedures and determination of participants; creating s. 164.1053, F.S.; providing for a conflict assessment meeting and providing requirements with respect thereto; creating s. 164.1055, F.S.; providing for a joint public meeting between conflicting entities; providing for mediation when no agreement is reached; creating s. 164.1056, F.S.; providing for final resolution of a conflict when there is a failure to resolve the conflict under the act; creating s. 164.1057, F.S.; specifying the manner of execution of the resolution of a conflict; renumbering and amending s. 164.104, F.S.; providing that a governmental entity that fails to participate in conflict resolution procedures shall be required to pay attorney’s fees and costs under certain conditions; creating s. 164.1061, F.S.; providing for extension of the time requirements of the act; repealing ss. 164.103, 164.105, and 164.106, F.S., which provide procedures and requirements for resolution of governmental disputes and for tolling of statutes of limitations; providing effect on existing contracts and agreements; providing an effective date.

—was read the third time by title.

On motion by Senator Webster, **CS for HB 223** was passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Clary	Gutman	Latvala
Bronson	Cowin	Hargrett	Laurent
Brown-Waite	Dawson-White	Horne	Lee
Burt	Diaz-Balart	Jones	McKay
Campbell	Dyer	King	Meek
Carlton	Forman	Kirkpatrick	Mitchell
Casas	Geller	Klein	Myers
Childers	Grant	Kurth	Rossin

Saunders Sebesta Sullivan Webster
 Scott Silver Thomas

Consideration of **CS for SB 1326** was deferred.

Nays—None

Vote after roll call:

Yea—Holzendorf

HB 699—A bill to be entitled An act relating to athletic trainers; amending s. 468.701, F.S.; revising and removing definitions; amending s. 468.703, F.S.; replacing the Council of Athletic Training with a Board of Athletic Training; providing for appointment of board members and their successors; providing for staggering of terms; providing for applicability of other provisions of law relating to activities of regulatory boards; providing for the board's headquarters; amending ss. 468.705, 468.707, 468.709, 468.711, 468.719, and 468.721, F.S., relating to rulemaking authority, licensure by examination, fees, continuing education, disciplinary actions, and certain regulatory transition; transferring to the board certain duties of the Department of Health relating to regulation of athletic trainers; amending ss. 20.43, 232.435, 455.607, and 455.667, F.S.; correcting cross references, to conform; providing for termination of the council and the terms of council members; authorizing consideration of former council members for appointment to the board; providing an effective date.

—was read the third time by title.

On motion by Senator Latvala, **HB 699** was passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Diaz-Balart	King	Myers
Bronson	Dyer	Kirkpatrick	Rossin
Brown-Waite	Forman	Klein	Saunders
Burt	Geller	Kurth	Scott
Campbell	Grant	Latvala	Sebesta
Carlton	Gutman	Laurent	Silver
Casas	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Thomas
Cowin	Horne	Meek	Webster
Dawson-White	Jones	Mitchell	

Nays—None

CS for HB 1749—A bill to be entitled An act relating to service warranties; amending s. 634.041, F.S.; providing requirements and limitations as to certain funds and premiums relating to unearned premium preserves; amending s. 634.121, F.S.; revising certain disclosure form requirements; amending s. 634.312, F.S.; requiring home warranty contracts to contain a certain disclosure; amending s. 634.401, F.S.; revising a definition; amending s. 634.406, F.S.; revising a contractual liability insurance requirement for service warranty associations; providing an effective date.

—was read the third time by title.

On motion by Senator Latvala, **CS for HB 1749** was passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Dawson-White	Jones	Mitchell
Bronson	Diaz-Balart	King	Myers
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Saunders
Campbell	Geller	Kurth	Scott
Carlton	Grant	Latvala	Sebesta
Casas	Gutman	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Thomas
Cowin	Horne	Meek	Webster

Nays—None

SB 1144—A bill to be entitled An act relating to government accountability; amending s. 11.066, F.S.; providing that property of the state or a monetary recovery made on behalf of the state is not subject to a lien unless authorized by law; amending s. 112.3175, F.S.; providing that certain contracts executed in violation of part III of ch. 112, F.S., are presumed void or voidable; amending s. 112.3185, F.S.; prohibiting a state employee from holding certain employment or contractual relationships following resignation of such employment; amending s. 287.058, F.S.; requiring that certain state contracts be subject to cancellation upon refusal by the contractor to allow access to public records; amending s. 287.059, F.S.; providing additional requirements for contracts for private attorney services; providing requirements for contingency fee contracts; providing requirements if multiple law firms are parties to a contract; providing requirements for private attorneys with respect to maintaining documents and records and making such documents and records available for inspection; providing an effective date.

—as amended April 22 was read the third time by title.

On motion by Senator Dyer, **SB 1144** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Madam President	Diaz-Balart	King	Myers
Bronson	Dyer	Kirkpatrick	Rossin
Brown-Waite	Forman	Klein	Saunders
Burt	Geller	Kurth	Scott
Campbell	Grant	Latvala	Sebesta
Carlton	Gutman	Laurent	Silver
Casas	Hargrett	Lee	Thomas
Clary	Holzendorf	McKay	
Cowin	Horne	Meek	
Dawson-White	Jones	Mitchell	

Nays—None

CS for HB 1063—A bill to be entitled An act relating to condominiums and residential associations; amending s. 718.105, F.S.; requiring the filing of a certificate or receipted bill with the clerk of circuit court when a declaration of condominium is recorded showing payment of property taxes; amending s. 468.4315, F.S.; authorizing the Regulatory Council of Community Association Managers to adopt rules related to continuing education providers; providing an effective date.

—was read the third time by title.

On motion by Senator Bronson, **CS for HB 1063** was passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Dawson-White	Jones	Mitchell
Bronson	Diaz-Balart	King	Myers
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Saunders
Campbell	Geller	Kurth	Scott
Carlton	Grant	Latvala	Sebesta
Casas	Gutman	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Thomas
Cowin	Horne	Meek	Webster

Nays—None

CS for HB 383—A bill to be entitled An act relating to homeowners' associations, condominium associations, mobile homeowners' associations, cooperative associations, and cooperative not-for-profit associations; amending ss. 607.0802 and 617.0802, F.S.; providing that certain persons may be deemed members of the association and eligible to serve as a director of a condominium association, cooperative association, homeowners' association, or mobile homeowners' association under certain circumstances; amending s. 617.0601, F.S.; providing that certain

provisions in bylaws, rules, or other regulations are void; amending s. 617.301, F.S.; redefining the term "homeowners' association" for the purposes of the Florida Not For Profit Corporation Act to include a mobile home subdivision; providing that provisions currently governed by the act relating to the purpose and scope of homeowners' associations, powers and duties, right of owners to peaceably assemble, meetings, transition of homeowners' associations' control in a community, assessments and charges, agreements, recreational leaseholds, dispute resolutions, and covenants would apply to mobile home subdivisions; amending s. 719.103, F.S.; defining the terms "special assessment," "voting certificate," and "voting interests" for the purposes of the Cooperative Act; amending s. 719.1035, F.S.; providing that all provisions of the cooperative documents are enforceable equitable servitudes, run with the land, and are effective until the cooperative is terminated; amending s. 719.104, F.S.; revising language with respect to commingling; providing for easements; amending s. 719.1055, F.S.; revising the amount of votes necessary to amend the cooperative documents; providing additional requirements with respect to amendments; amending s. 719.106, F.S.; providing requirements with respect to insurance and fidelity bonds; creating s. 719.115, F.S.; providing limitations on liability of unit owners; creating s. 723.0751, F.S.; providing for membership in mobile homeowners' association in certain circumstances; amending ss. 849.085 and 849.0931, F.S.; including cooperatives, residential subdivisions, cooperative associations, and homeowners' associations as defined in s. 617.301, F.S., within the provisions of law relating to penny-ante games and including cooperative associations and homeowners' associations as defined in s. 617.301, F.S., within the provisions of law relating to bingo; providing an effective date.

—was read the third time by title.

On motion by Senator Saunders, **CS for HB 383** was passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Diaz-Balart	Kirkpatrick	Rossin
Bronson	Dyer	Klein	Saunders
Brown-Waite	Forman	Kurth	Scott
Campbell	Geller	Latvala	Sebesta
Carlton	Grant	Laurent	Silver
Casas	Gutman	Lee	Sullivan
Childers	Holzendorf	McKay	Thomas
Clary	Horne	Meek	Webster
Cowin	Jones	Mitchell	
Dawson-White	King	Myers	

Nays—None

HB 589—A bill to be entitled An act relating to vessel registration; designating chapter 328, F.S., as part I of chapter 328, F.S., entitled "Vessels; title certificates; liens"; creating part II of chapter 328, F.S., entitled "Vessel registration"; amending ss. 212.06, 282.1095, 320.04, 327.53, 327.60, 327.73, 370.06, 370.0603, 370.12, and 409.2598, F.S.; correcting cross references; amending s. 327.01, F.S.; changing the title of chapter 327, F.S., from the "Florida Vessel and Registration Safety Law" to the "Florida Vessel Safety Law"; amending s. 327.22, F.S., relating to the regulation of vessels by municipalities or counties; renumbering and amending ss. 327.03, 327.10, 327.11, 327.17, 327.21, 327.23, 327.24, 327.25, 327.26, 327.28, and 327.90, F.S.; conforming to the act; creating s. 328.44, F.S.; providing for rules; creating s. 328.66, F.S.; providing for optional vessel registration fees by counties and municipalities; amending s. 327.04, F.S.; conforming to the act; renumbering ss. 327.031, 327.12, 327.13, 327.14, 327.15, 327.16, 327.18, 327.19, and 327.29, F.S.; conforming to the act; providing an effective date.

—was read the third time by title.

On motion by Senator Webster, **HB 589** was passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Carlton	Cowin	Forman
Bronson	Casas	Dawson-White	Geller
Brown-Waite	Childers	Diaz-Balart	Grant
Campbell	Clary	Dyer	Gutman

Hargrett	Klein	Meek	Silver
Holzendorf	Kurth	Mitchell	Sullivan
Horne	Latvala	Myers	Thomas
Jones	Laurent	Rossin	Webster
King	Lee	Saunders	
Kirkpatrick	McKay	Sebesta	

Nays—None

CS for SB 1326—A bill to be entitled An act relating to mortgage brokers and lenders; amending s. 494.001, F.S.; revising definitions; amending s. 494.0011, F.S.; authorizing the Department of Banking and Finance to adopt rules; amending s. 494.0012, F.S.; requiring the Department of Banking and Finance to charge a fee for certain examinations; deleting a limitation on aggregate amount of examination fees; requiring the department to conduct certain examinations in this state; providing an exception; revising travel expense and per diem subsistence requirements for licensees; amending s. 494.00125, F.S.; deleting references to registrations and permits; amending s. 494.0016, F.S.; specifying department prescription by rule of certain required information; creating s. 494.00165, F.S.; prohibiting certain advertising activities; requiring a record of certain advertisements; amending s. 494.0025, F.S.; deleting certain prohibited advertising activities; prohibiting payment of a mortgage transaction fee or commission to other than certain actively licensed persons; amending s. 494.0031, F.S.; providing for licensure of mortgage brokerage business branches; increasing license fees; deleting references to registrations and permits; amending s. 494.0032, F.S.; providing for renewal of branch licenses; increasing license renewal fees; providing for reversion of licenses to inactive status under certain circumstances; providing for reactivation of licenses; providing for a reactivation fee; amending s. 494.0033, F.S.; specifying an application fee; clarifying provisions; amending s. 494.00331, F.S.; prohibiting simultaneous multiple licensures; amending s. 494.0034, F.S.; deleting an automatic license expiration provision; clarifying provisions; amending s. 494.0036, F.S.; requiring a license to operate a mortgage brokerage business branch office; requiring display of licenses; amending s. 494.0038, F.S.; clarifying the timing of certain disclosures; amending s. 494.0039, F.S.; revising mortgage brokerage business principal place of business requirements; amending s. 494.004, F.S.; including pleas of nolo contendere to certain crimes within certain licensee reporting requirements; requiring licensees to report conviction or pleas of nolo contendere to felonies; requiring licensees to provide the department with certain information relating to associated mortgage brokers; requiring the department to adopt certain rules; amending s. 494.0041, F.S.; revising the list of acts constituting grounds for disciplinary action; amending s. 494.0061, F.S.; providing for mortgage lender branch office licenses; increasing a license fee; clarifying provisions; amending s. 494.0062, F.S.; providing for correspondent mortgage lender branch office licenses; increasing a license fee; clarifying provisions; amending s. 494.0064, F.S.; providing for renewal of certain licenses; increasing license renewal fees; providing for reversion of licenses to inactive status; deleting an automatic license expiration provision; amending s. 494.0066, F.S.; requiring mortgage lender and correspondent mortgage lender branch office licenses; increasing license fees; amending s. 494.0067, F.S.; requiring display of certain licenses; requiring registration of loan originators; requiring certain information relating to loan originators; amending s. 494.0072, F.S.; revising a list of certain acts constituting grounds for disciplinary action; clarifying application of certain disciplinary actions; amending s. 494.0073, F.S.; providing for mortgage lenders or correspondent mortgage lenders to act as mortgage brokerage businesses; repealing s. 494.0037, F.S., relating to books, accounts, and records; providing effective dates.

—as amended April 22 was read the third time by title.

On motion by Senator Lee, **CS for SB 1326** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Casas	Dyer	Holzendorf
Bronson	Childers	Forman	Horne
Brown-Waite	Clary	Geller	Jones
Burt	Cowin	Grant	King
Campbell	Dawson-White	Gutman	Kirkpatrick
Carlton	Diaz-Balart	Hargrett	Klein

Kurth	McKay	Rossin	Silver
Latvala	Meek	Saunders	Sullivan
Laurent	Mitchell	Scott	Webster
Lee	Myers	Sebesta	

Nays—None

CS for SB 1306—A bill to be entitled An act relating to highway safety and motor vehicles; reenacting s. 316.003, F.S.; relating to the definition of hazardous material; amending s. 316.008, F.S.; revising terminology and deleting obsolete provisions; amending s. 316.061, F.S.; providing second degree misdemeanor penalty for certain violations with respect to leaving the scene of an accident; revising terminology; amending ss. 316.027, 316.062, 316.063, 316.064, 316.065, 316.066, 316.068, 316.069, 316.070, 316.072, 316.640, 316.645, 318.1451, 318.17, 318.19, 318.32, 321.051, 321.23, 322.201, 322.221, 322.26, 322.291, 322.44, 322.61, 322.63, 324.011, 324.021, 324.022, 324.051, 324.061, 324.081, 324.091, 324.101, F.S.; changing the term “accident” to “crash”; amending s. 316.067, F.S.; providing a second degree misdemeanor penalty for certain false reports; amending ss. 316.0745, 316.0747, 316.1895, 316.193, 316.2065, F.S.; deleting obsolete provisions; amending s. 316.1935, F.S.; providing a first degree misdemeanor penalty for certain violations with respect to fleeing or attempting to elude a law enforcement officer; amending s. 316.2074, F.S.; deleting certain findings of the Legislature with respect to all-terrain vehicles; amending ss. 316.3027, 316.70, F.S.; providing reference to the United States Department of Transportation; amending s. 316.615, F.S., relating to school buses; amending ss. 316.613, 316.6135, F.S.; correcting reference to the Department of Highway Safety and Motor Vehicles; amending s. 316.405, F.S.; authorizing certain use of modulating headlights by motorcycles; revising various provisions in chapter 316, F.S., to conform cross-references, delete obsolete provisions, and to provide uniform references to penalties for moving and nonmoving noncriminal traffic offenses punishable under chapter 318, F.S.; amending s. 318.12, F.S.; revising references; amending ss. 318.13, 318.14, F.S.; conforming cross-references; amending ss. 318.18, 318.21, F.S.; revising provisions relating to civil penalties; repealing s. 318.39, F.S., relating to the Highway Safety Operating Trust Fund; amending s. 319.28, F.S.; revising provisions relating to repossession; amending s. 319.33, F.S.; conforming cross-references; amending ss. 320.02 and 320.03, F.S.; deleting obsolete provisions; amending s. 320.031, F.S.; revising provisions relating to the mailing of registration certificates, license plates, and validation stickers; amending s. 320.055, F.S.; conforming cross-references; amending ss. 320.06, 320.061, F.S.; deleting obsolete provisions; amending ss. 320.0605, 320.07, F.S.; providing uniform reference to noncriminal traffic infractions; repealing s. 320.073, F.S., relating to refund of impact fees; amending s. 320.0802, F.S.; providing reference to the Department of Management Services; amending s. 320.08058, F.S.; revising provisions relating to Manatee license plates and Florida Special Olympics license plates; amending s. 320.0848, F.S.; conforming a cross-reference with respect to disabled parking permits; amending s. 320.087, F.S.; providing reference to the United States Department of Transportation; amending s. 320.1325, F.S.; deleting a cross-reference; amending s. 320.20, F.S.; deleting obsolete provisions; amending s. 320.8255, F.S.; providing reference to labels rather than seals with respect to certain mobile home inspections; repealing s. 320.8256, F.S., relating to recreational vehicle inspection; repealing ss. 321.06, 321.07, 321.09, 321.15, 321.17, 321.18, 321.19, 321.191, 321.20, 321.201, 321.202, 321.203, 321.21, 321.22, 321.2205, 321.221, 321.222, 321.223, F.S., relating to the Florida Highway Patrol and the pension system therefor; amending s. 322.055, F.S.; providing reference to the Department of Children and Family Services; amending s. 322.0261, F.S.; revising terminology to change the term “accident” to “crash”; amending s. 322.08, F.S.; deleting obsolete provisions; amending ss. 322.12, 322.121, F.S.; conforming cross-references; amending s. 322.141, F.S.; deleting obsolete provisions; amending s. 322.15, F.S.; providing reference to noncriminal traffic infractions; amending s. 322.20, F.S.; providing reference to the Department of Health; reenacting and amending s. 322.264, F.S., relating to habitual traffic offenders; revising terminology; amending s. 322.27, F.S.; conforming cross-references; amending s. 322.292, F.S.; revising provisions relating to DUI programs supervision; amending s. 322.293, F.S.; deleting obsolete provisions; amending s. 322.57, F.S.; revising provisions relating to driving tests; amending s. 324.202, F.S.; deleting obsolete provisions; repealing ss. 325.01, 325.02, 325.03, 325.04, 325.05, 325.06, 325.07, 325.08, 325.09, 325.10, F.S., relating to vehicle safety equipment and inspections; amending s. 325.209, F.S.; revising provisions

relating to waivers; reenacting s. 325.212(2), F.S., relating to reinspections; reenacting s. 328.17(1), F.S., relating to nonjudicial sale of vessels; amending s. 627.7415, F.S., relating to commercial motor vehicles, to include reference to noncriminal traffic infractions; amending s. 627.742, F.S.; providing reference to noncriminal traffic infractions with respect to certain violations with respect to nonpublic sector buses; amending s. 784.07, F.S.; conforming a cross-reference; amending s. 335.0415, F.S.; modifying the date to be used in determining the jurisdiction of and responsibility for public roads; providing an effective date.

—as amended April 22 was read the third time by title.

On motion by Senator Webster, **CS for SB 1306** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Dawson-White	Jones	Mitchell
Bronson	Diaz-Balart	King	Myers
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Saunders
Campbell	Geller	Kurth	Scott
Carlton	Grant	Latvala	Sebesta
Casas	Gutman	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Thomas
Cowin	Horne	Meek	Webster

Nays—None

HB 433—A bill to be entitled An act relating to unauthorized transmissions on telecommunications frequencies; amending s. 843.165, F.S.; prohibiting an unauthorized person from transmitting over a radio frequency assigned to a governmental agency or an emergency medical services provider; providing penalties; providing exceptions; providing an effective date.

—was read the third time by title.

On motion by Senator Bronson, **HB 433** was passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Dawson-White	Jones	Mitchell
Bronson	Diaz-Balart	King	Myers
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Saunders
Campbell	Geller	Kurth	Scott
Carlton	Grant	Latvala	Sebesta
Casas	Gutman	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Thomas
Cowin	Horne	Meek	Webster

Nays—None

CS for SB 1606—A bill to be entitled An act relating to unauthorized reception of cable television services; amending s. 812.15, F.S.; providing increased penalties for repeat offenders; providing increased penalties for the possession of certain devices in quantities; prohibiting the advertisement of certain devices in the electronic media; authorizing certain persons to recover damages for each violation; providing an effective date.

—as amended April 22 was read the third time by title.

On motion by Senator Silver, **CS for SB 1606** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Campbell	Clary	Dyer
Bronson	Carlton	Cowin	Forman
Brown-Waite	Casas	Dawson-White	Geller
Burt	Childers	Diaz-Balart	Grant

Gutman	Kirkpatrick	McKay	Scott
Hargrett	Klein	Meek	Sebesta
Holzendorf	Kurth	Mitchell	Silver
Horne	Latvala	Myers	Sullivan
Jones	Laurent	Rossin	Thomas
King	Lee	Saunders	Webster

Nays—None

SB 1832—A bill to be entitled An act relating to collateral protection insurance; defining the term “collateral protection insurance” for purposes of the Florida Hurricane Catastrophe Fund and the code; providing an effective date.

—as amended April 22 was read the third time by title.

On motion by Senator Casas, **SB 1832** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Dawson-White	Jones	Mitchell
Bronson	Diaz-Balart	King	Myers
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Saunders
Campbell	Geller	Kurth	Scott
Carlton	Grant	Latvala	Sebesta
Casas	Gutman	Laurent	Sullivan
Childers	Hargrett	Lee	Thomas
Clary	Holzendorf	McKay	Webster
Cowin	Horne	Meek	

Nays—None

HB 315—A bill to be entitled An act relating to alcoholic beverages; amending s. 561.01, F.S.; revising the definition of the term “discount in the usual course of business”; providing that distributors may charge different malt beverage prices under certain circumstances; providing severability; providing an effective date.

—was read the third time by title.

On motion by Senator Sullivan, **HB 315** was passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Dawson-White	King	Myers
Bronson	Diaz-Balart	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Saunders
Burt	Forman	Kurth	Scott
Campbell	Geller	Latvala	Sebesta
Carlton	Gutman	Laurent	Silver
Casas	Hargrett	Lee	Sullivan
Childers	Holzendorf	McKay	Thomas
Clary	Horne	Meek	Webster
Cowin	Jones	Mitchell	

Nays—None

HB 209—A bill to be entitled An act relating to alcohol sales; amending s. 567.01, F.S.; providing for local option elections to determine sales of intoxicating liquors, wines, or beer by the drink; amending s. 567.06, F.S.; providing ballot instructions for local option elections; amending s. 567.07, F.S.; providing for a local option election for sole purpose of determining whether intoxicating liquors, wines, or beer may be sold by the drink for consumption on premises; providing an effective date.

—was read the third time by title.

On motion by Senator Gutman, **HB 209** was passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Diaz-Balart	King	Myers
Bronson	Dyer	Kirkpatrick	Rossin
Brown-Waite	Forman	Klein	Saunders
Burt	Geller	Kurth	Scott
Campbell	Grant	Latvala	Sebesta
Carlton	Gutman	Laurent	Silver
Casas	Hargrett	Lee	Sullivan
Childers	Holzendorf	McKay	Thomas
Clary	Horne	Meek	
Dawson-White	Jones	Mitchell	

Nays—1

Webster

Vote after roll call:

Yea—Cowin

CS for CS for HB 301—A bill to be entitled An act relating to probate; amending s. 732.201, F.S.; revising language with respect to the right to elective share; creating s. 732.2025, F.S.; providing definitions; creating s. 732.2035, F.S.; providing for property entering into the elective estate; creating s. 732.2045, F.S.; providing for exclusions and overlapping application; amending s. 732.205, F.S.; providing for the valuation of the elective estate; amending s. 732.206, F.S.; providing for the elective share amount; amending s. 732.207, F.S.; providing for the sources from which the elective share is payable; providing for abatement; amending s. 732.208, F.S.; providing for the liability of direct recipients and beneficiaries; amending s. 732.209, F.S.; providing for the valuation of the property used to satisfy the elective share; amending s. 732.210, F.S.; providing for the effect of the election on other interests; amending s. 732.211, F.S.; providing for the protection of payors and other third parties; amending s. 732.212, F.S.; providing who may exercise the right of election; amending s. 732.213, F.S.; providing for the time of election; providing for extensions and for withdrawal; amending s. 732.214, F.S.; providing for the order of contribution; providing for the personal representative’s duty to collect contributions; amending s. 732.215, F.S.; providing for the effective date, inapplicability of ch. 61, F.S., the effect of prior waivers, and transition rules; providing an effective date.

—as amended April 22 was read the third time by title.

On motion by Senator Geller, **CS for CS for HB 301** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Dawson-White	Jones	Mitchell
Bronson	Diaz-Balart	King	Myers
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Saunders
Campbell	Geller	Kurth	Scott
Carlton	Grant	Latvala	Sebesta
Casas	Gutman	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Thomas
Cowin	Horne	Meek	Webster

Nays—None

Consideration of **CS for SB 724** was deferred.

CS for CS for SB 386—A bill to be entitled An act relating to grant proposals for community centers; authorizing the Department of Community Affairs to administer a grant program for funding the acquisition, renovation, or construction of community centers; authorizing counties, municipalities, and certain nonprofit corporations to apply for such grants; requiring that a grant recipient provide certain matching funds; providing for preference to be given to certain projects; providing requirements for grant recipients; providing for a review panel to review grant applications; providing for membership of the review panel and

terms of office; requiring the review panel to annually recommend grant recipients to the Secretary of Community Affairs; providing that the department may not allocate a project grant unless the funds are appropriated by the Legislature; authorizing the Department of Community Affairs to adopt rules; providing an effective date.

—was read the third time by title.

On motion by Senator Kurth, **CS for CS for SB 386** was passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Dawson-White	Jones	Mitchell
Bronson	Diaz-Balart	King	Myers
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Saunders
Campbell	Geller	Kurth	Scott
Carlton	Grant	Latvala	Sebesta
Casas	Gutman	Laurent	Sullivan
Childers	Hargrett	Lee	Thomas
Clary	Holzendorf	McKay	Webster
Cowin	Horne	Meek	

Nays—None

SB 2568—A bill to be entitled An act relating to financial matters; creating s. 215.245, F.S.; authorizing the state and its political subdivisions to enter into indemnification agreements with the Federal Government with respect to water resources development projects; providing an effective date.

—as amended April 22 was read the third time by title.

On motion by Senator King, **SB 2568** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Dawson-White	King	Myers
Bronson	Diaz-Balart	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Saunders
Burt	Forman	Kurth	Scott
Campbell	Geller	Latvala	Sebesta
Carlton	Grant	Laurent	Silver
Casas	Gutman	Lee	Sullivan
Childers	Hargrett	McKay	Thomas
Clary	Holzendorf	Meek	Webster
Cowin	Horne	Mitchell	

Nays—None

HB 127—A bill to be entitled An act relating to specialty license plates; amending ss. 320.08056 and 320.08058, F.S.; providing for a United States Marine Corps specialty license plate; providing fees; providing for the disposition of fees; providing an effective date.

—was read the third time by title.

On motion by Senator Sullivan, **HB 127** was passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Dawson-White	Jones	Myers
Bronson	Diaz-Balart	King	Rossin
Brown-Waite	Dyer	Kirkpatrick	Saunders
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Sebesta
Carlton	Grant	Latvala	Silver
Casas	Gutman	Laurent	Sullivan
Childers	Hargrett	Lee	Thomas
Clary	Holzendorf	McKay	Webster
Cowin	Horne	Meek	

Nays—1

Mitchell

HB 1909—A bill to be entitled An act relating to license plates; amending ss. 320.08056, 320.08058, F.S.; creating a Florida Wildflower license plate; providing for the distribution of annual use fees received from the sale of such plates; providing an effective date.

—was read the third time by title.

On motion by Senator Kirkpatrick, **HB 1909** was passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Dawson-White	Jones	Myers
Bronson	Diaz-Balart	King	Rossin
Brown-Waite	Dyer	Kirkpatrick	Saunders
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Sebesta
Carlton	Grant	Latvala	Silver
Casas	Gutman	Laurent	Sullivan
Childers	Hargrett	Lee	Thomas
Clary	Holzendorf	McKay	Webster
Cowin	Horne	Meek	

Nays—1

Mitchell

SB 1538—A bill to be entitled An act relating to license plates; amending ss. 320.08056, 320.08058, F.S.; creating a Florida Memorial College license plate; providing for the distribution of annual use fees received from the sale of such plates; providing a contingent effective date.

—as amended April 22 was read the third time by title.

On motion by Senator Dawson-White, **SB 1538** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Dawson-White	Jones	Myers
Bronson	Diaz-Balart	King	Rossin
Brown-Waite	Dyer	Kirkpatrick	Saunders
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Sebesta
Carlton	Grant	Latvala	Sullivan
Casas	Gutman	Laurent	Thomas
Childers	Hargrett	Lee	Webster
Clary	Holzendorf	McKay	
Cowin	Horne	Meek	

Nays—1

Mitchell

HB 601—A bill to be entitled An act relating to license plates; amending ss. 320.08056, 320.08058, F.S.; creating a Share the Road license plate; providing for the distribution of annual use fees received from the sale of such plates; providing effective date.

—was read the third time by title.

On motion by Senator Sullivan, **HB 601** was passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Carlton	Dawson-White	Grant
Bronson	Casas	Diaz-Balart	Gutman
Brown-Waite	Childers	Dyer	Hargrett
Burt	Clary	Forman	Holzendorf
Campbell	Cowin	Geller	Horne

Jones	Latvala	Rossin	Sullivan
King	Laurent	Saunders	Thomas
Kirkpatrick	Lee	Scott	Webster
Klein	Meek	Sebesta	
Kurth	Myers	Silver	

Nays—1

Mitchell

HB 267—A bill to be entitled An act relating to motor vehicle licenses; amending s. 320.089, F.S.; permitting the unmarried spouse of a deceased recipient of the Purple Heart medal to continue receiving a license plate which is stamped with the words "Purple Heart" under certain circumstances; providing an effective date.

—was read the third time by title.

On motion by Senator Latvala, **HB 267** was passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Dawson-White	Jones	Myers
Bronson	Diaz-Balart	King	Rossin
Brown-Waite	Dyer	Kirkpatrick	Saunders
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Sebesta
Carlton	Grant	Latvala	Silver
Casas	Gutman	Laurent	Sullivan
Childers	Hargrett	Lee	Thomas
Clary	Holzendorf	McKay	Webster
Cowin	Horne	Meek	

Nays—1

Mitchell

SB 1266—A bill to be entitled An act relating to license plates; amending ss. 320.08056, 320.08058, F.S.; creating a Tampa Bay Estuary license plate; providing for the distribution of annual use fees received from the sale of such plates; providing a contingent effective date.

—as amended April 22 was read the third time by title.

On motion by Senator Sebesta, **SB 1266** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Bronson	Diaz-Balart	King	Rossin
Brown-Waite	Dyer	Kirkpatrick	Saunders
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Sebesta
Carlton	Grant	Latvala	Silver
Casas	Gutman	Laurent	Sullivan
Childers	Hargrett	Lee	Thomas
Clary	Holzendorf	McKay	Webster
Cowin	Horne	Meek	
Dawson-White	Jones	Myers	

Nays—1

Mitchell

Consideration of **CS for SB's 2422 and 1952** and **CS for CS for SB 356** was deferred.

On motion by Senator Webster, by two-thirds vote **HB 1883** was withdrawn from the Committees on Governmental Oversight and Productivity; and Fiscal Policy.

On motion by Senator Webster, by two-thirds vote—

HB 1883—A bill to be entitled An act relating to state-administered retirement systems; amending s. 112.63, F.S.; providing for review and comment on local government retirement system actuarial valuation reports and impact statements on a triennial basis; clarifying the basis of required payments; amending s. 112.65, F.S.; modifying the limitation on benefits for service under more than one retirement system or plan; amending s. 121.011, F.S.; clarifying requirements related to consolidation of existing retirement systems and preservation of rights; amending s. 121.021, F.S.; redefining "creditable service" to conform the definition to existing law; clarifying creditable service provisions for certain school board employees; amending s. 121.031, F.S.; authorizing the Division of Retirement to adopt rules; creating the Florida Retirement System Actuarial Assumption Conference; providing for duties and members; reenacting s. 121.051(6), F.S., relating to Florida Retirement System membership status of blind vending facility operators; reenacting ss. 121.052(7)(a), 121.055(3)(a), and 121.071(1), F.S., relating to contribution rates; amending ss. 121.052, 121.055, and 121.071, F.S., changing contribution rates for specified classes and subclasses of the system; correcting an error; conforming provisions relating to de minimis accounts to federal law; amending s. 121.081, F.S.; clarifying provisions relating to past service and prior service; amending s. 121.091, F.S.; clarifying proof of disability requirements; modifying provisions relating to death benefits to permit purchase of certain retirement credit by joint annuitants; clarifying the contribution rate and interest required to be paid for such purchases; increasing the age at which a Special Risk Class Member must elect whether to participate in the Deferred Retirement Option Program; updating and correcting references; amending s. 121.122, F.S.; correcting a reference; amending 121.24, F.S.; authorizing the State Retirement Commission to adopt rules; amending s. 121.35, F.S.; conforming provisions relating to de minimis accounts to federal law; amending s. 121.40, F.S., to remove reemployment limitations and reenacting subsection (12), relating to contribution rates for the supplemental retirement program for the Institute of Food and Agricultural Sciences at the University of Florida; reenacting s. 413.051(11) and (12), F.S., relating to Florida Retirement System membership eligibility and retirement contribution payments for blind vending facility operators; amending ss. 175.071 and 185.06, F.S.; providing, with respect to the board of trustees for municipal firefighters' pension trust funds and municipal police officers' retirement trust funds that the board may invest in corporations on the National Market System of the Nasdaq Stock Market; repealing s. 121.027, F.S., amending s. 112.18, F.S.; providing presumptions that certain illnesses incurred by law enforcement officers are done so in the line of duty; relating to rulemaking authority for that act; requiring the Board of Trustees of the State Board of Administration to review the actuarial valuation of the Florida Retirement System; requiring the Board to review the process of retirement contribution rates and comment to the legislature; providing an effective date.

—a companion measure, was substituted for **SB 2530** as amended and by two-thirds vote read the second time by title.

On motion by Senator Webster, further consideration of **HB 1883** was deferred.

CS for CS for SB 1566—A bill to be entitled An act relating to economic development; amending s. 14.2015, F.S.; revising provisions relating to the powers and duties of the Office of Tourism, Trade, and Economic Development; providing for the office to facilitate the involvement of the Governor and Lieutenant Governor in job-creating efforts; revising program cross-references; deleting provisions relating to the expenditure of funds for general economic development grants; authorizing the expenditure of certain interest earnings in order to contract for the administration of programs; reducing the number of meetings of leaders in business, government, and economic development which the office must convene annually; eliminating a required report on the status of certain contracts; creating the Office of Urban Opportunity within the Office of Tourism, Trade, and Economic Development; providing for the appointment of a director of the Office of Urban Opportunity; prescribing the purpose of the office; amending s. 288.0251, F.S.; changing authority to contract for Florida's international volunteer corps to the Department of State from the Office of Tourism, Trade, and Economic Development; amending s. 288.095, F.S.; revising criteria for approval of applications for tax refunds for economic development purposes by the Office of Tourism, Trade, and Economic Development; limiting the

amount of refunds that may be made in a fiscal year; amending s. 288.106, F.S.; revising criteria for approval of tax refunds under the tax-refund program for qualified target industry businesses; redefining the terms "expansion of an existing business," "local financial support exemption option," and "rural county"; defining the term "authorized local economic development agency" and "rural community"; extending the refund program to additional counties; revising the amount of refunds; providing requirements for waiver of minimum standards; prescribing duties of the office director; amending s. 288.816, F.S.; creating a sister city grant program under the Department of State; prescribing application procedures and criteria; directing the department to adopt rules; amending s. 288.901, F.S.; expanding an employee lease program under Enterprise Florida, Inc.; revising the membership and appointment process for the board of directors of Enterprise Florida, Inc.; amending s. 288.9015, F.S.; specifying responsibilities for Enterprise Florida, Inc., relating to rural communities and distressed urban communities, evaluation of the state's competitiveness, and the needs of small and minority businesses; amending s. 288.90151, F.S.; expressing legislative intent on the return-on-investment of public funds in Enterprise Florida, Inc.; specifying private-sector support for Enterprise Florida, Inc.; prescribing the state's operating investment in Enterprise Florida, Inc.; requiring compliance with performance measures; requiring a report on the results of customer satisfaction survey; amending s. 288.903, F.S.; revising the required membership of the executive committee of Enterprise Florida, Inc.; deleting certain prescribed powers and duties of the president; requiring a performance-based contract in order to exceed certain employee compensation levels; amending s. 288.904, F.S.; prescribing terms of certain contracts executed by Enterprise Florida, Inc.; authorizing Enterprise Florida, Inc., to create and dissolve advisory committees and similar organizations; requiring the creation of advisory committees on international business and small business; prescribing the purpose and procedures of such committees; providing for reimbursement of expenses; amending s. 288.905, F.S.; revising the duties of the board of directors of Enterprise Florida, Inc.; revising the required content of the board's strategic plan; requiring the involvement of certain local and regional economic development organizations and rural and urban organizations in the policies of Enterprise Florida, Inc.; revising the date for a review of Enterprise Florida, Inc., by the Office of Program Policy Analysis and Government Accountability; amending s. 288.906, F.S.; revising requirements for the annual report of Enterprise Florida, Inc.; expanding the audit authority of the Auditor General to include advisory committees or similar groups created by Enterprise Florida, Inc.; amending ss. 288.9415, 288.9511, 288.9515, 288.95155, 288.9519, 288.9520, 288.9603, 288.9604, 288.9614, 288.9618, F.S.; conforming to the dissolution of certain boards; repealing s. 288.902, F.S., which relates to the Enterprise Florida Nominating Council; repealing s. 288.9412, F.S., which relates to the International Trade and Economic Development Board; repealing s. 288.9413, F.S., which relates to the organization of the International Trade and Economic Development Board; repealing s. 288.9414, F.S., which relates to the powers and authority of the International Trade and Economic Development Board; repealing s. 288.942, F.S., which relates to the grant review panel; repealing s. 288.9510, F.S., which relates to legislative intent on the Enterprise Florida Innovation Partnership; repealing s. 288.9512, F.S., which relates to the technology development board; repealing s. 288.9513, F.S., which relates to the organization of the technology development board; repealing s. 288.9514, F.S., which relates to powers and authority of the technology development board; repealing s. 288.9516, F.S., which relates to the annual report of the technology development board; repealing s. 288.9611, F.S., which relates to the capital development board; repealing s. 288.9612, F.S., which relates to the organization of the capital development board; repealing s. 288.9613, F.S., which relates to the powers and authority of the capital development board; repealing s. 288.9615, F.S., which relates to the annual report of the capital development board; providing for the continuation of certain contracts; providing for the transfer of certain property; authorizing Enterprise Florida, Inc., to assume responsibilities of certain repealed boards; directing the Division of Statutory Revision to redesignate certain parts in the Florida Statutes; amending s. 288.707, F.S.; directing the Florida Black Business Investment Board to increase access to capital for black businesses; amending s. 288.709, F.S.; revising the powers of the Black Business Investment Board; amending s. 288.99, F.S.; revising definitions related to the Certified Capital Company Act; specifying that tax credits vested under the Certified Capital Company Act are not to be considered in ratemaking proceedings involving a certified investor; redefining the term "transferee" for purposes of allocating unused premium tax credits; directing the Division of Statutory Revision to designate certain sections of the Florida Statutes as part XI, relating to Workforce Development;

transferring, renumbering, and amending s. 446.601, F.S.; conforming cross-references; deleting provisions governing services of One-Stop Career Centers; revising components of the state's workforce development strategy; transferring, renumbering, and amending s. 446.604, F.S.; providing for the state's One-Stop Career Center customer service delivery strategy; specifying partners; providing for oversight and operation of centers by regional workforce development boards and center operators; providing for transfer of responsibilities; providing for assigning and leasing of employees; directing funds for direct customer service costs; providing for employment preference; providing for memorandums of understanding and sanctions; providing for electronic service delivery; authorizing Intensive Service Accounts and Individual Training Accounts and providing specifications; transferring, renumbering, and amending s. 288.9620, F.S.; providing for membership of the Florida Workforce Development Board pursuant to federal law; providing for committees; requiring financial disclosure; authorizing the board as the Workforce Investment Board; specifying functions, duties, and responsibilities; providing for sanctions; providing for carryover of funds; requiring a performance measurement system and reporting of such; transferring, renumbering, and amending s. 446.602, F.S.; providing for membership of regional workforce development boards pursuant to federal law; prohibiting certain activities that create a conflict of interest; providing for transition; providing for performance and compliance review; correcting organizational name references; requiring a local plan; providing for oversight of One-Stop Career Centers; authorizing local committees; establishing high skills/high wages committees; transferring, renumbering, and amending s. 446.607, F.S.; conforming cross-references; providing for consolidated board membership requirements; transferring, renumbering, and amending s. 446.603, F.S.; conforming cross-references; expanding the scope of the Untried Worker Placement and Employment Incentive Act; abrogating scheduled repeal of program; creating s. 288.9956, F.S.; providing principles for implementing the federal Workforce Investment Act of 1998; providing for a 5-year plan; specifying funding distribution; creating the Incumbent Worker Training Program; providing program requirements; requiring a report; authorizing the Workforce Development Board to contract for administrative services related to federal funding; specifying contractual agreements; providing for indemnification; providing for settlement authority; providing for compliance with federal law; providing for workforce development review; providing for termination of state set-aside; creating s. 288.9957, F.S.; requiring designation of the Florida Youth Workforce Council; providing for membership and duties; providing for allocation of funds; creating s. 288.9958, F.S.; requiring appointment of the Employment, Occupation, and Performance Information Coordinating Committee; providing for membership and duties; providing for services and staff; creating s. 288.9959, F.S.; requiring appointment of the Operational Design and Technology Procurement Committee; providing for membership and duties; providing for services and staff; amending s. 414.026, F.S.; conforming a cross-reference; repealing s. 446.20, F.S., which provides for administration of responsibilities under the federal Job Training Partnership Act; repealing s. 446.205, F.S., which provides for a Job Training Partnership Act family drop-out prevention program; repealing s. 446.605, F.S., which provides for applicability of the Workforce Florida Act of 1996; repealing s. 446.606, F.S., which provides for designation of primary service providers; providing for severability; amending s. 220.191, F.S.; providing that credits may be granted against premium tax liability under the capital investment tax credit program; specifying that an insurance company claiming premium tax credits under such program is not required to pay additional retaliatory tax under s. 624.5091, F.S.; amending s. 163.3178, F.S.; requiring certain ports to identify certain spoil disposal sites; requiring such ports to prepare comprehensive master plans; amending s. 163.3187, F.S.; exempting comprehensive plan amendments for port transportation facilities and projects from a time limitation; amending s. 253.77, F.S.; exempting certain ports from paying fees for activities involving the use of sovereign lands; amending s. 288.8155, F.S.; providing that the International Trade Data Resource and Research Center be incorporated as a private nonprofit corporation, and not be a unit or entity of state government; providing for the creation and constitution of a board of directors of the center; authorizing the center to acquire patents, copyrights, and trademarks on its property and publications; amending s. 311.07, F.S.; providing that projects eligible for funding under the Florida Seaport Transportation and Economic Development Program must be consistent with port master plans; providing that projects eligible for funding include projects that accommodate freight movement and storage capacity or cruise capacity with exceptions; exempting certain port transportation facilities and projects from review as developments of regional impact; amending s. 311.09, F.S.; declaring that projects eligible for fund-

ing under the Florida Seaport Transportation and Economic Development Program are presumed to be in the public interest; creating s. 311.101, F.S.; creating the Office of Seaport and Freight Mobility Development within the Office of the State Public Transportation Administrator; providing duties and responsibilities; creating s. 311.102, F.S.; creating the Office of Seaport and Freight Mobility Planning within the Office of the Secretary of the Department of Community Affairs; providing duties and responsibilities; creating s. 311.20, F.S.; creating the Northwest Florida Seaport Transportation and Economic Development Council; providing for membership of the council; requiring the council to develop a strategic regional development plan; prescribing powers of the council; providing for staffing of the council; amending s. 311.11, F.S.; providing that the Florida Seaport Transportation and Economic Development Council shall develop a Seaport Training and Employment Program; providing legislative purposes and requirements for the program; creating s. 311.14, F.S.; directing the Florida Seaport Transportation and Economic Development Council to develop freight-mobility and trade-corridor plans; amending s. 315.02, F.S.; redefining the term "port facilities" to include certain storage facilities used for warehousing, storage, and distribution of cargo; amending s. 380.06, F.S.; exempting certain port projects from review as developments of regional impact; creating the Americas Campaign; providing legislative findings related to international trade; prescribing the elements of the Americas Campaign; designating a Campaign Council; providing for funding of the Americas Campaign; amending s. 117.01, F.S.; providing the proceeds of the application and commission fees paid by notaries public to be deposited into the Grants and Donations Trust Fund of the Department of State; amending s. 15.16, F.S.; authorizing the Secretary of State to issue apostilles; authorizing a fee; amending s. 117.103, F.S.; providing procedures and effect relating to issuance of certified copies of certificates of notary public commission; amending s. 118.10, F.S.; revising the definition and purposes of "authentic act" governing civil-law notaries; providing for a presumption of correctness of matters incorporated into authentic acts; authorizing civil-law notaries to authenticate documents, transactions, events, conditions, or occurrences; expanding the rulemaking authority of the Secretary of State governing civil-law notaries; authorizing the Secretary of State to test the legal knowledge of a civil-law notary applicant under certain circumstances; creating s. 118.12, F.S.; authorizing the issuance of certificates of notarial authority and apostilles to civil-law notaries; amending s. 15.18, F.S.; providing for coordination of international activities of the Department of State; requiring the Secretary of State to maintain lists relating to foreign money judgments; amending s. 55.604, F.S.; requiring that foreign judgments be filed with the Secretary of State; amending s. 55.605, F.S.; requiring the Secretary of State to create and maintain a specified list relative to foreign money judgments; creating s. 257.34, F.S.; creating the Florida International Archive and Repository; providing requirements for the archive; providing for access to the archive; reviving, reenacting, and amending s. 288.012, F.S., relating to establishment and operation of foreign offices by the Office of Tourism, Trade, and Economic Development; abrogating the repeal of the section; requiring offices to report annually on activities and accomplishments; prescribing the content of the reports; providing for future review of foreign offices; requiring Enterprise Florida, Inc., to develop a master plan for integrating international trade and reverse investment resources; prescribing procedures, content, and a submission deadline related to the plan; requiring Enterprise Florida, Inc., in conjunction with the Office of Tourism, Trade, and Economic Development, to prepare a plan to promote foreign direct investment in Florida; prescribing procedures, content, and a submission deadline related to the plan; requiring Enterprise Florida, Inc., to develop a strategic plan that will allow Florida to capitalize on the economic opportunities associated with a free Cuba; amending s. 288.1045, F.S.; conforming the limitation on the amount of tax refunds approved for payment under the qualified defense contractor tax refund program to the amount appropriated by the Legislature for such refunds; correcting references relating to program administration; amending ss. 212.097, 212.098, F.S.; clarifying the definition of an "eligible business" under the Urban High-Crime Area Job Tax Credit Program and the Rural Job Tax Credit Program; providing that certain call centers or similar customer service operations are eligible businesses under these programs; authorizing the recommendation of additions to or deletions from the list of eligible businesses; providing that certain retail businesses are eligible businesses under the Urban High-Crime Area Job Tax Credit Program; creating the Institute on Urban Policy and Commerce at Florida Agricultural and Mechanical University; providing its purposes and duties; providing for the establishment of regional urban centers; requiring annual reports by the institute and the Governor; creating s. 339.081, F.S.; creating a Workforce and Economic Development

Transportation Program within the Department of Transportation; providing for program funding; providing for project selection; providing an appropriation; providing a short title; providing intent; amending s. 163.3177, F.S.; providing requirements for the future land use element of a local government comprehensive plan with respect to rural areas; amending s. 186.502, F.S.; providing that a regional planning council shall have a duty to assist local governments with economic development; amending s. 186.504, F.S.; providing that the ex officio, nonvoting membership of each regional planning council shall include a representative nominated by Enterprise Florida, Inc., and the Office of Tourism, Trade, and Economic Development; amending s. 186.505, F.S.; authorizing the use of regional planning council personnel, consultants, or technical or professional assistants to help local governments with economic development activities; amending s. 288.018, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to approve regional rural development grants on an annual basis; increasing the maximum amount of each grant award; increasing the total amount that may be expended annually for such grants; amending s. 288.065, F.S.; revising the population criteria for local government participation in the Rural Community Development Revolving Loan Fund; prescribing conditions under which repayments of principal and interest under the Rural Community Development Revolving Loan Fund may be retained by a unit of local government; creating s. 288.0655, F.S.; creating the Rural Infrastructure Fund for infrastructure projects in rural communities; providing for an annual deposit in the Economic Development Trust Fund in support of such infrastructure fund; authorizing grants for infrastructure projects and related studies; requiring the development of guidelines; providing that funds appropriated for such infrastructure fund shall not be subject to reversion; amending s. 320.20, F.S.; requiring the deposit of a certain amount of motor vehicle registration funds in the Economic Development Trust Fund in support of the Rural Infrastructure Fund; prescribing the manner in which such funds may be used; prohibiting diversion of such funds; creating the Rural Economic Development Initiative within the office and providing its duties and responsibilities; directing specified agencies to select a representative to work with the initiative; providing for the recommendation and designation of rural areas of critical economic concern; providing for the waiver of certain criteria and rules with respect to such areas; providing for the commitment of certain services, resources, benefits, and staffing with respect to such areas; requiring execution of a memorandum of agreement as a condition to designation as a rural area of critical economic concern; providing for an annual report; authorizing the Office of Tourism, Trade, and Economic Development to accept and administer moneys appropriated for grants to assist rural communities to develop and implement strategic economic development plans; providing for review of grant applications; authorizing the Department of Community Affairs to establish a grant program to assist rural counties in financing studies regarding the establishment of municipal service taxing or benefit units; providing for rules; providing an appropriation; amending s. 236.081, F.S.; providing an exclusion under the computation of school district required local effort for certain nonpayment of property taxes in a rural area of critical economic concern; amending s. 378.601, F.S.; exempting specified heavy mining operations from requirements for development-of-regional-impact review under certain circumstances; directing the Florida Fish and Wildlife Conservation Commission to provide assistance related to promotion and development of nature-based recreation; specifying a minimum percentage of funds to be allocated to economic development under the Florida Small Cities Community Development Block Grant Program; creating s. 230.23027, F.S.; establishing the Small School District Stabilization Program; providing for a best financial management practices review of certain small districts; creating s. 290.0069, F.S.; directing the Office of Tourism, Trade, and Economic Development to designate a pilot project area within an enterprise zone; providing qualifications for such area; providing that certain businesses in such area are eligible for credits against the tax on sales, use, and other transactions and corporate income tax; providing for computation of such credits; providing application procedures and requirements; providing rulemaking authority; requiring a review and report by the Office of Program Policy Analysis and Government Accountability; providing for future repeal and revocation of such designation; making the implementation of a specified provision contingent upon specific appropriations; amending s. 288.980, F.S.; providing legislative intent; providing for the role of the Florida Defense Alliance; providing funding; removing a limitation on the amount of a grant under the Florida Military Installation Reuse Planning and Marketing Grant Program; increasing a grant limitation with respect to the Florida Defense Planning Grant Program; reducing the amount of matching funds required under certain

grant programs; creating the Retention of Military Installations Program; providing eligibility criteria; providing a cap on the payment of administrative expenses from certain grants; providing an appropriation; providing an effective date.

—as amended April 23 was read the third time by title.

On motion by Senator Kirkpatrick, **CS for CS for SB 1566** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Dawson-White	Jones	Myers
Bronson	Diaz-Balart	King	Rossin
Brown-Waite	Dyer	Kirkpatrick	Saunders
Burt	Forman	Klein	Scott
Campbell	Geller	Kurth	Sebesta
Carlton	Grant	Latvala	Silver
Casas	Gutman	Laurent	Sullivan
Childers	Hargrett	Lee	Thomas
Clary	Holzendorf	McKay	Webster
Cowin	Horne	Meek	

Nays—None

CS for CS for SB 1560—A bill to be entitled An act relating to economic development; providing a short title; providing intent; amending s. 163.3177, F.S.; providing requirements for the future land use element of a local government comprehensive plan with respect to rural areas; amending s. 186.502, F.S.; providing that a regional planning council shall have a duty to assist local governments with economic development; amending s. 186.504, F.S.; providing that the ex officio, nonvoting membership of each regional planning council shall include a representative nominated by Enterprise Florida, Inc., and the Office of Tourism, Trade, and Economic Development; amending s. 186.505, F.S.; authorizing the use of regional planning council personnel, consultants, or technical or professional assistants to help local governments with economic development activities; amending s. 212.098, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to recommend to the Legislature additions to or deletions from the list of standard industrial classifications used to determine an eligible business for purposes of the Rural Job Tax Credit Program; amending s. 288.018, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to approve regional rural development grants on an annual basis; increasing the maximum amount of each grant award; increasing the total amount that may be expended annually for such grants; amending s. 288.065, F.S.; revising the population criteria for local government participation in the Rural Community Development Revolving Loan Fund; prescribing conditions under which repayments of principal and interest under the Rural Community Development Revolving Loan Fund may be retained by a unit of local government; creating s. 288.0655, F.S.; creating the Rural Infrastructure Fund for infrastructure projects in rural communities; providing for an annual deposit in the Economic Development Trust Fund in support of such infrastructure fund; authorizing grants for infrastructure projects and related studies; requiring the development of guidelines; providing that funds appropriated for such infrastructure fund shall not be subject to reversion; amending s. 320.20, F.S.; requiring the deposit of a certain amount of motor vehicle registration funds in the Economic Development Trust Fund in support of the Rural Infrastructure Fund; prescribing the manner in which such funds may be used in support of bonds or other debt instruments; specifying that certain debts related to the Rural Infrastructure Fund shall not constitute a general obligation of the state; prohibiting diversion of such funds; amending s. 288.106, F.S., relating to the tax refund program for qualified target industry businesses; providing a definition; authorizing the Office of Tourism, Trade, and Economic Development to reduce certain employment requirements for an expanding business in a rural community or enterprise zone under certain conditions; creating the Rural Economic Development Initiative within the office and providing its duties and responsibilities; directing specified agencies to select a representative to work with the initiative; providing for the recommendation and designation of rural areas of critical economic concern; providing for the waiver of certain criteria and rules with respect to such areas; providing for the commitment of certain services, resources, benefits, and staffing with respect to such areas; requiring execution of a memorandum of agreement as a condition to

designation as a rural area of critical economic concern; providing for an annual report; authorizing the Office of Tourism, Trade, and Economic Development to accept and administer moneys appropriated for grants to assist rural communities to develop and implement strategic economic development plans; providing for review of grant applications; authorizing the Department of Community Affairs to establish a grant program to assist rural counties in financing studies regarding the establishment of municipal service taxing or benefit units; providing for rules; providing an appropriation; amending s. 236.081, F.S.; providing an exclusion under the computation of school district required local effort for certain nonpayment of property taxes in a rural area of critical economic concern; creating s. 311.20, F.S.; creating the Northwest Florida Seaport Transportation and Economic Development Council; providing for the membership of the council; requiring the council to develop a strategic regional development plan; prescribing powers of the council; providing for staffing of the council; amending s. 378.601, F.S.; exempting specified heavy mining operations from requirements for development-of-regional-impact review under certain circumstances; directing the Florida Fish and Wildlife Conservation Commission to provide assistance related to promotion and development of nature-based recreation; providing an appropriation; specifying a minimum percentage of funds to be allocated to economic development under the Florida Small Cities Community Development Block Grant Program; creating s. 230.23027, F.S.; establishing the Small School District Stabilization Program; providing for a best financial management practices review of certain small districts; providing an effective date.

—as amended April 23 was read the third time by title.

Senator Burt moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (220926)(with title amendment)—On page 32, delete lines 11-14 and insert: *photography*.

And the title is amended as follows:

On page 4, delete line 21 and insert: specifying a

On motion by Senator Kirkpatrick, **CS for CS for SB 1560** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Madam President	Diaz-Balart	King	Myers
Bronson	Dyer	Kirkpatrick	Rossin
Brown-Waite	Forman	Klein	Saunders
Burt	Geller	Kurth	Sebesta
Carlton	Grant	Latvala	Silver
Casas	Gutman	Laurent	Sullivan
Childers	Hargrett	Lee	Thomas
Clary	Holzendorf	McKay	Webster
Cowin	Horne	Meek	
Dawson-White	Jones	Mitchell	

Nays—None

CS for HB 681—A bill to be entitled An act relating to construction; creating s. 47.025, F.S.; providing that certain venue provisions in a contract for improvement of real property are void; specifying appropriate venue for actions against resident contractors, subcontractors, sub-subcontractors, and materialmen; amending s. 468.621, F.S.; amending certain grounds for disciplinary action against building code administrators and building officials; amending s. 255.05, F.S., relating to payment bonds of contractors constructing public buildings; providing that the time periods required for providing certain notices or bringing certain actions are not determined by the issuance of a certificate of occupancy or a certificate of substantial completion; amending s. 713.06, F.S.; clarifying certain notice requirements with respect to perfecting a lien for labor, services, or materials furnished under contract; amending s. 713.08, F.S.; providing that the time period required for recording a claim of lien is not determined by the issuance of a certificate of occupancy or a certificate of substantial completion; amending s. 713.135, F.S.; clarifying circumstances under which an entity issuing a building permit is subject to disciplinary procedures; providing an exception; amending s. 713.16, F.S.; providing a definition; providing legislative

intent; amending s. 713.18, F.S., relating to service of notices and other instruments; amending s. 713.23, F.S.; providing that the time periods required for serving a notice of nonpayment or bringing certain actions are not determined by the issuance of a certificate of occupancy or a certificate of substantial completion; providing for the effect of a waiver and release of lien; providing effective dates.

—was read the third time by title.

On motion by Senator Webster, **CS for HB 681** was passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Diaz-Balart	King	Myers
Bronson	Dyer	Kirkpatrick	Rossin
Brown-Waite	Forman	Klein	Saunders
Burt	Geller	Kurth	Scott
Campbell	Grant	Latvala	Sebesta
Carlton	Gutman	Laurent	Silver
Casas	Hargrett	Lee	Sullivan
Childers	Holzendorf	McKay	Webster
Clary	Horne	Meek	
Cowin	Jones	Mitchell	

Nays—None

CS for HB 377—A bill to be entitled An act relating to organ transplants; amending s. 381.0602, F.S.; increasing membership of the Organ Transplant Advisory Council; increasing the term of the council chair; amending s. 627.4236, F.S.; requiring that coverage for bone-marrow-transplant procedures include costs of the donor patient; providing a limitation; providing a legislative finding of an important state interest; providing an effective date.

—was read the third time by title.

On motion by Senator Thomas, **CS for HB 377** was passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Dawson-White	Jones	Mitchell
Bronson	Diaz-Balart	King	Myers
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Saunders
Campbell	Geller	Kurth	Scott
Carlton	Grant	Latvala	Sebesta
Casas	Gutman	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Thomas
Cowin	Horne	Meek	Webster

Nays—None

CS for HB 107—A bill to be entitled An act relating to the Administrative Procedure Act; amending s. 120.52, F.S.; removing entities described in ch. 298, F.S., relating to water control districts, from the definition of “agency”; providing additional restrictions with respect to an agency’s rulemaking authority; amending s. 120.536, F.S.; providing additional restrictions with respect to an agency’s rulemaking authority; requiring agencies to provide the Administrative Procedures Committee with a list of existing rules which exceed such rulemaking authority and providing for legislative consideration of such rules; requiring agencies to initiate proceedings to repeal such rules for which authorizing legislation is not adopted; requiring a report to the Legislature; providing that the committee or a substantially affected person may petition for repeal of such rules after a specified date; restricting challenge of such rules before that date; amending s. 120.54, F.S.; specifying when rules may take effect; restricting adoption of retroactive rules; amending s. 120.56, F.S.; revising an agency’s responsibilities in response to a challenge to a proposed rule and specifying the petitioner’s responsibility of going forward; amending s. 120.57, F.S., relating to hearings involving disputed issues of material fact; revising an agency’s authority with respect to rejection or modification of conclusions of law in its final order;

amending s. 120.68, F.S., relating to judicial review; providing a directive with respect to consideration by the court of an agency’s construction of a statute or rule; providing an effective date.

—as amended April 23 was read the third time by title.

On motion by Senator Laurent, **CS for HB 107** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Dawson-White	Jones	Mitchell
Bronson	Diaz-Balart	King	Myers
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Saunders
Campbell	Geller	Kurth	Scott
Carlton	Grant	Latvala	Sebesta
Casas	Gutman	Laurent	Sullivan
Childers	Hargrett	Lee	Thomas
Clary	Holzendorf	McKay	Webster
Cowin	Horne	Meek	

Nays—1

Silver

Vote after roll call:

Nay to Yea—Silver

Consideration of **CS for SB 1308** was deferred.

CS for SB 1510—A bill to be entitled An act relating to enterprise zones; creating s. 290.0069, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Liberty County; providing requirements with respect thereto; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Columbia County; providing requirements with respect thereto; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Suwannee County; providing requirements with respect thereto; providing an extended application period for certain businesses to claim tax incentives; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Gadsden County; providing requirements with respect thereto; authorizing municipalities to designate satellite enterprise zones; providing conditions under which a local government may amend the boundaries of an enterprise zone that contains a brownfield pilot program; providing an effective date.

—as amended April 23 was read the third time by title.

Senator Webster moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (650794)(with title amendment)—On page 1, between lines 28 and 29, insert:

Section 1. Section 290.0067, Florida Statutes, is amended to read:

290.0067 Enterprise zone designation for communities impacted by Lake Apopka land acquisition.—Orange County and the municipality of Apopka may jointly apply to the Office of Tourism, Trade, and Economic Development for designation of one enterprise zone encompassing areas suffering adverse economic impacts due to governmental acquisition of Lake Apopka farmlands pursuant to s. 373.461. The application must be submitted by December 31, 1998, and must comply with the requirements of s. 290.0055, except s. 290.0055(3) and (4)(d). Notwithstanding the provisions of s. 290.0065 limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the Office of Tourism, Trade, and Economic Development may designate one enterprise zone under this section. The Office of Tourism, Trade, and Economic Development shall establish the initial effective date of the enterprise zone designated pursuant to this section based upon when unemployment will occur due to the cessation of farming on lands acquired pursuant to s. 373.461. The zone shall terminate 5 years following the established effective date.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 2, after the semicolon (;) insert: amending s. 290.0067, F.S.; providing that the enterprise zone authorized for communities impacted by Lake Apopka land acquisition need not meet certain criteria relating to pervasive poverty, unemployment, and general distress;

On motion by Senator Thomas, CS for SB 1510 as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Madam President	Dawson-White	Jones	Myers
Bronson	Diaz-Balart	King	Rossin
Brown-Waite	Dyer	Kirkpatrick	Saunders
Burt	Forman	Kurth	Scott
Campbell	Geller	Latvala	Sebesta
Carlton	Grant	Laurent	Silver
Casas	Gutman	Lee	Sullivan
Childers	Hargrett	McKay	Thomas
Clary	Holzendorf	Meek	Webster
Cowin	Horne	Mitchell	

Nays—None

HB 643—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.08, F.S.; providing an exemption for film, photographic paper, dyes used for embossing and engraving, artwork, and other printing supplies used by specified businesses; providing an effective date.

—was read the third time by title.

On motion by Senator Bronson, HB 643 was passed and certified to the House. The vote on passage was:

Yeas—37

Madam President	Dyer	Klein	Saunders
Bronson	Forman	Kurth	Scott
Brown-Waite	Geller	Latvala	Sebesta
Burt	Grant	Laurent	Silver
Campbell	Gutman	Lee	Sullivan
Carlton	Hargrett	McKay	Thomas
Childers	Holzendorf	Meek	Webster
Clary	Horne	Mitchell	
Cowin	Jones	Myers	
Dawson-White	King	Rossin	

Nays—None

Consideration of CS for SB 1444 was deferred.

SB 1400—A bill to be entitled An act relating to long-term-care insurance for public employees; amending s. 110.1227, F.S.; revising the Florida Employee Long-Term-Care Plan Act; requiring the Department of Management Services and the Department of Elderly Affairs to provide for long-term-care insurance through payroll deduction; requiring the Department of Management Services to review proposals; authorizing the department to award a contract; providing an effective date.

—as amended April 23 was read the third time by title.

On motion by Senator Burt, SB 1400 as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Madam President	Burt	Casas	Cowin
Bronson	Campbell	Childers	Dawson-White
Brown-Waite	Carlton	Clary	Diaz-Balart

Dyer	Jones	McKay	Sebesta
Forman	King	Meek	Silver
Geller	Kirkpatrick	Mitchell	Sullivan
Grant	Klein	Myers	Thomas
Gutman	Kurth	Rossin	Webster
Hargrett	Laurent	Saunders	
Horne	Lee	Scott	

Nays—1

Latvala

CS for HB 1535—A bill to be entitled An act relating to wildfires; amending s. 590.01, F.S.; providing the Division of Forestry of the Department of Agriculture and Consumer Services with the responsibility to prevent, detect, and suppress wildfires; creating s. 590.015, F.S.; defining terms; amending s. 590.02, F.S.; authorizing the division to appoint additional personnel to fight wildfires; providing for wildfire training and fire management and emergency response assistance; providing for agreements or contracts with the private sector for fire prevention activities; providing for the Florida Center for Wildfire and Forest Resources Management Training; providing for fees for the operation of the center; creating an advisory committee; amending s. 590.081, F.S.; prohibiting burning in severe drought conditions without permission; amending s. 590.082, F.S.; revising provisions relating to declarations of severe drought emergencies; providing a requirement for executive orders by the Governor relating to extraordinary fire hazards; providing a penalty for certain travel through hazardous areas; amending s. 590.091, F.S.; providing for designation of railroad rights-of-way in wildfire areas; amending s. 590.10, F.S.; providing a penalty for the disposal of lighted substances; amending s. 590.11, F.S.; providing restrictions on recreation fires; creating s. 590.125, F.S.; providing conditions for non-certified burning and certified prescribed burning; amending s. 590.13, F.S.; providing for civil liability; amending s. 590.14, F.S.; authorizing the division to issue warning citations; providing for a notice of violation; providing for the recovery of fire suppression costs; amending s. 590.16, F.S.; providing for discretionary rewards; amending s. 590.25, F.S.; providing a penalty for obstructing the extinguishing of wildfires; amending s. 590.27, F.S.; correcting an organizational reference; amending s. 590.28, F.S.; providing penalties for the careless or intentional burning of wild lands; amending s. 590.29, F.S.; providing a penalty for the illegal possession of incendiary devices; amending ss. 590.33, 590.34, and 590.42, F.S.; correcting organizational references; amending s. 259.032, F.S.; providing for the use of Conservation and Recreation Lands funds to manage additional lands; providing for uses of management equipment; amending s. 372.57, F.S.; providing an exemption to the recreational user permit fee; repealing s. 590.025, F.S., relating to control burning, s. 590.026, F.S., relating to prescribed burning, s. 590.03, F.S., relating to fire wardens, s. 590.04, F.S., relating to the organization of districts, s. 590.05, F.S., relating to road crews to extinguish fires, s. 590.06, F.S., relating to rules for road crews, s. 590.07, F.S., relating to a penalty, s. 590.08, F.S., relating to the unlawful burning of lands, s. 590.09, F.S., relating to setting fires on rights-of-way, s. 590.12, F.S., relating to unlawful burning, and s. 590.30 F.S., relating to penalties; providing an appropriation; providing for the rebuilding of certain structures; providing an effective date.

—was read the third time by title.

On motion by Senator Thomas, CS for HB 1535 was passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Clary	Gutman	Kurth
Bronson	Cowin	Hargrett	Latvala
Brown-Waite	Dawson-White	Holzendorf	Laurent
Burt	Diaz-Balart	Horne	Lee
Campbell	Dyer	Jones	McKay
Carlton	Forman	King	Meek
Casas	Geller	Kirkpatrick	Mitchell
Childers	Grant	Klein	Myers

Rossin	Scott	Silver	Thomas	Saunders	Sebesta	Sullivan	Webster
Saunders	Sebesta	Sullivan	Webster	Scott	Silver	Thomas	
Nays—None				Nays—None			

CS for SB 204—A bill to be entitled An act relating to the unlawful possession or use of a firearm by a minor; amending s. 790.22, F.S.; providing that a minor who violates s. 790.22(3), F.S., must be detained in a secure detention facility; providing that a minor who commits an offense that involves the use or possession of a firearm may not receive credit for time served; providing requirements for the community service that a court orders a minor to perform as a sanction for committing an offense that involves the use or possession of a firearm; amending ss. 943.051, 985.212, F.S., relating to fingerprinting of a minor; revising provisions to conform to changes made by the act; providing that a minor who violates s. 790.115, F.S., must be fingerprinted; amending s. 790.115, F.S.; providing that weapons and firearms may not be possessed or discharged at a school-sponsored event or on school property; providing that the state attorney has discretion in prosecuting a minor as an adult for a violation of s. 790.115(2), F.S.; requiring that schools notify students in writing that unlawfully possessing a weapon or a firearm is a violation of state law; providing an effective date.

—was read the third time by title.

On motion by Senator Silver, **CS for SB 204** was passed and certified to the House. The vote on passage was:

Yeas—40

Madam President	Dawson-White	Jones	Mitchell
Bronson	Diaz-Balart	King	Myers
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Saunders
Campbell	Geller	Kurth	Scott
Carlton	Grant	Latvala	Sebesta
Casas	Gutman	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Thomas
Cowin	Horne	Meek	Webster

Nays—None

SB 86—A bill to be entitled An act relating to game promotions; amending s. 849.094, F.S.; redefining the terms “game promotion” and “operator” and defining the term “older individual”; prohibiting certain acts in connection with game promotions and advertising and promotional material therefor; requiring certain information to be printed on envelopes and certain information to be printed on advertising and promotional material distributed in connection with a game promotion to the public through the mail; revising provisions relating to maintenance and distribution of winner lists; providing penalties, including increased penalties when an unlawful act is against an older individual; amending s. 721.111, F.S.; correcting a cross reference, to conform; providing an effective date.

—as amended April 23 was read the third time by title.

On motion by Senator Campbell, **SB 86** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Clary	Gutman	Kurth
Bronson	Cowin	Hargrett	Latvala
Brown-Waite	Dawson-White	Holzendorf	Laurent
Burt	Diaz-Balart	Horne	Lee
Campbell	Dyer	Jones	Meek
Carlton	Forman	King	Mitchell
Casas	Geller	Kirkpatrick	Myers
Childers	Grant	Klein	Rossin

CS for CS for SB 2054—A bill to be entitled An act relating to capital collateral representation; amending s. 27.702, F.S.; redesignating the Commission on the Administration of Justice in Capital Cases as the Commission on Capital Cases; amending s. 27.703, F.S.; requiring private counsel appointments to be in accordance with specified provisions; amending s. 27.709, F.S.; conforming provisions to changes made by the act; amending s. 27.710, F.S.; requiring notification of the trial court if an appointed attorney fails to execute a contract within a specified period; authorizing an attorney appointed to represent a defendant in a postconviction capital collateral proceeding to designate another attorney to assist in the representation; amending s. 27.711, F.S.; revising provisions governing the award of attorney's fees; providing that an additional payment for miscellaneous expenses may be paid under extraordinary circumstances from a separate budget allocation; providing for payment of certain tuition and other expenses for an attorney who is actively representing a capital defendant; providing for the payment of attorneys fees and costs when an attorney is permitted to withdraw or is otherwise removed from representation; providing for the transmittal of files and documents to the successor attorney; requiring the court to monitor the performance of counsel appointed to represent a capital defendant in a postconviction proceeding; providing for payment of attorneys' miscellaneous expenses which were incurred before a specified date; providing an effective date.

—as amended April 23 was read the third time by title.

On motion by Senator Burt, **CS for CS for SB 2054** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Dawson-White	Jones	Mitchell
Bronson	Diaz-Balart	King	Myers
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Saunders
Campbell	Geller	Kurth	Scott
Carlton	Grant	Latvala	Sebesta
Casas	Gutman	Laurent	Sullivan
Childers	Hargrett	Lee	Thomas
Clary	Holzendorf	McKay	Webster
Cowin	Horne	Meek	

Nays—None

CS for CS for SB 230—A bill to be entitled An act relating to the Department of Labor and Employment Security; amending s. 20.171, F.S.; providing that the department shall operate its programs in a decentralized fashion; providing for the appointment of assistant secretaries; providing for the powers and duties of such secretaries; providing for the creation of field offices; amending s. 110.205, F.S.; providing that certain employees of the department shall be in the Senior Management Service; providing that certain actions contemplated by the act shall be done within the available resources of the department; amending ss. 393.11, 410.0245, 627.212, 627.311, F.S., to conform; amending s. 442.006, F.S.; limiting the authority of the division to the public sector; amending s. 442.008, F.S.; prescribing duties of the division; amending s. 442.013, F.S.; authorizing penalties for public-sector employers; amending s. 442.019, F.S.; authorizing the division to seek compliance in circuit court against public-sector employers; creating s. 443.012, F.S.; recreating the Unemployment Appeals Commission; describing its duties; providing for the future repeal of ch. 442, F.S.; requiring the department to provide a report relating to the Division of Safety; transferring the brain and spinal cord injury program and the Office of Disability Determinations to the Department of Health; amending s. 400.805, F.S., to conform; transferring, renumbering, and amending ss. 413.465, 413.48, 413.49, 413.507, 413.604, 413.605, 413.613, F.S. to conform to the transfer of duties to the Department of Health; requiring the Division of Vocational Rehabilitation to enter into partnerships; providing legislative intent; providing definitions; creating the Occupational Access and Opportunity Commission; providing for membership; providing

for appointment and terms; providing for reimbursement; providing for financial disclosure; providing powers and duties; directing the commission to develop and implement the federally required state vocational rehabilitation plan and to fulfill specified administrative functions; requiring the commission to contract with an administrative entity; providing for the assignment of staff; providing for the Occupational Access and Opportunity Corporation; providing powers and duties; providing for the use of property; providing for a board of directors; providing for an annual audit; providing for an annual report of the Occupational Access and Opportunity Commission; authorizing the commission to prepare the state plan, serve as the governing authority, and receive federal funds; requiring the Division of Vocational Rehabilitation to comply with transitional directives of the plan and, under certain circumstances, to transfer its powers, duties, functions, property, and funds to the commission; providing for quality assurance; providing remedies for conflict with federal law; designating the commission as the official state agency; providing for review by the Office of Program Policy Analysis and Government Accountability; transferring the Division of Blind Services to the Department of Education; repealing s. 440.05(8)(a), F.S., relating to fees charged by the Division of Workers' Compensation for nonconstruction elections; providing an effective date.

—as amended April 23 was read the third time by title.

On motion by Senator Webster, **CS for CS for SB 230** as amended was passed and certified to the House. The vote on passage was:

Yeas—32

Table with 4 columns: Name, Cowin, King, Rossin, Bronson, Diaz-Balart, Kirkpatrick, Saunders, Brown-Waite, Geller, Kurth, Scott, Burt, Grant, Latvala, Sebesta, Carlton, Gutman, Laurent, Silver, Casas, Hargrett, Meek, Sullivan, Childers, Horne, Mitchell, Thomas, Clary, Jones, Myers, Webster

Nays—6

Table with 4 columns: Name, Dyer, Holzendorf, Klein, Campbell, Dawson-White, Forman

Vote after roll call:

Yea to Nay—Jones, Kurth, Meek, Rossin

CS for SB 1444—A bill to be entitled An act relating to alcoholic beverage licenses; amending s. 561.01, F.S.; defining the term "historic structures"; amending s. 561.20, F.S.; providing for the issuance of special alcoholic beverage licenses to certain hotels and motels with no fewer than 10 and no more than 25 guest rooms in municipalities within constitutionally chartered counties which are within a specified population range; revising the definition of a specialty center; limiting consumption of alcoholic beverages within specialty centers; requiring compliance with requirements and restrictions contained in the Beverage Law for licenses issued under a local or special act; providing an effective date.

—as amended April 23 was read the third time by title.

On motion by Senator Jones, **CS for SB 1444** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Table with 4 columns: Name, Clary, Gutman, Kurth, Bronson, Cowin, Hargrett, Latvala, Brown-Waite, Dawson-White, Holzendorf, Laurent, Burt, Diaz-Balart, Horne, Lee, Campbell, Dyer, Jones, McKay, Carlton, Forman, King, Meek, Casas, Geller, Kirkpatrick, Mitchell, Childers, Grant, Klein, Myers

Table with 4 columns: Name, Scott, Silver, Thomas, Saunders, Sebesta, Sullivan, Webster, Nays—None

CS for SB 724—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.055, F.S.; requiring that a judge of compensation claims who is a member of the Florida Retirement System participate in the Senior Management Service Class unless such judge elects to participate in the Senior Management Service Optional Annuity Program; providing an effective date.

—was read the third time by title.

An amendment was considered and adopted by two-thirds vote to conform **CS for SB 724** to **HB 885**.

Pending further consideration of **CS for SB 724** as amended, on motion by Senator Silver, by two-thirds vote **HB 885** was withdrawn from the Committees on Governmental Oversight and Productivity; and Fiscal Policy.

On motion by Senator Silver, by two-thirds vote—

HB 885—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.055, F.S.; revising provisions with respect to the Senior Management Service Class to permit certain local government senior managers to withdraw from the Florida Retirement System altogether; providing for matters relative thereto; amending s. 121.055, F.S.; requiring that a judge of compensation claims who is a member of the Florida Retirement System participate in the Senior Management Service Class unless such judge elects to participate in the Senior Management Service Optional Annuity Program; providing an effective date.

—a companion measure, was substituted for **CS for SB 724** as amended and by two-thirds vote read the second time by title. On motion by Senator Silver, by two-thirds vote **HB 885** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Table with 4 columns: Name, Diaz-Balart, Jones, Myers, Brown-Waite, Dyer, King, Rossin, Burt, Forman, Klein, Saunders, Carlton, Geller, Kurth, Scott, Casas, Grant, Latvala, Sebesta, Childers, Gutman, Laurent, Silver, Clary, Hargrett, Lee, Sullivan, Cowin, Holzendorf, Meek, Thomas, Dawson-White, Horne, Mitchell, Webster

Nays—None

The Senate resumed consideration of—

SB 148—A bill to be entitled An act relating to school-entry health and vision examinations; amending s. 232.0315, F.S.; requiring children who enter public or nonpublic schools in this state to present evidence of having passed a vision screening or having received a comprehensive vision examination; providing an exemption; deleting provisions relating to rulemaking authority with respect to medical examinations; providing an effective date.

—as amended, which was previously considered April 23. Pending **Amendment 1** by Senator Silver was adopted by two-thirds vote.

On motion by Senator Cowin, **SB 148** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Table with 4 columns: Name, Casas, Diaz-Balart, Gutman, Bronson, Childers, Dyer, Hargrett, Brown-Waite, Clary, Forman, Holzendorf, Campbell, Cowin, Geller, Horne, Carlton, Dawson-White, Grant, Jones

King	Laurent	Myers	Silver
Kirkpatrick	Lee	Rossin	Sullivan
Klein	McKay	Saunders	Thomas
Kurth	Meek	Scott	Webster
Latvala	Mitchell	Sebesta	

Nays—None

CS for SB's 2422 and 1952—A bill to be entitled An act relating to trust funds; creating s. 215.5601, F.S.; creating the Lawton Chiles Endowment Fund for Health and Human Services; providing definitions; providing legislative intent; specifying the purposes and uses of endowment funds; providing for administration of the endowment by the State Board of Administration; providing for the availability of endowment funds; providing appropriations; creating s. 215.5602, F.S.; establishing the Florida Biomedical Research Program within the Lawton Chiles Endowment Fund; providing the goals of the program; specifying the use of funds appropriated under the program; creating the Biomedical Research Advisory Council within the Department of Health; providing for membership of the council; providing reimbursement for travel and other expenses for council members; providing duties of the council; providing for applications for funding under the program; requiring the Secretary of Health to award grants and fellowships, in consultation with the council; providing for the appointment of a peer review council to review proposals for funding; requiring the Department of Health to contract with an entity to administer the program; providing rulemaking authority; requiring the council to submit an annual report to the Governor, the Secretary of Health, and the Legislature; providing an effective date.

—as amended April 23 was read the third time by title.

On motion by Senator Latvala, **CS for SB's 2422 and 1952** as amended was passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—40

Madam President	Dawson-White	Jones	Mitchell
Bronson	Diaz-Balart	King	Myers
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Saunders
Campbell	Geller	Kurth	Scott
Carlton	Grant	Latvala	Sebesta
Casas	Gutman	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Thomas
Cowin	Horne	Meek	Webster

Nays—None

CO-SPONSORS

All Senators voting yea, not previously shown as co-sponsors, were recorded as co-sponsors of **CS for SB's 2422 and 1952**.

The Senate resumed consideration of—

HB 1883—A bill to be entitled An act relating to state-administered retirement systems; amending s. 112.63, F.S.; providing for review and comment on local government retirement system actuarial valuation reports and impact statements on a triennial basis; clarifying the basis of required payments; amending s. 112.65, F.S.; modifying the limitation on benefits for service under more than one retirement system or plan; amending s. 121.011, F.S.; clarifying requirements related to consolidation of existing retirement systems and preservation of rights; amending s. 121.021, F.S.; redefining "creditable service" to conform the definition to existing law; clarifying creditable service provisions for certain school board employees; amending s. 121.031, F.S.; authorizing the Division of Retirement to adopt rules; creating the Florida Retirement System Actuarial Assumption Conference; providing for duties and members; reenacting s. 121.051(6), F.S., relating to Florida Retirement System membership status of blind vending facility operators; reenacting ss. 121.052(7)(a), 121.055(3)(a), and 121.071(1), F.S., relating to contribution rates; amending ss. 121.052, 121.055, and 121.071, F.S., changing

contribution rates for specified classes and subclasses of the system; correcting an error; conforming provisions relating to de minimis accounts to federal law; amending s. 121.081, F.S.; clarifying provisions relating to past service and prior service; amending s. 121.091, F.S.; clarifying proof of disability requirements; modifying provisions relating to death benefits to permit purchase of certain retirement credit by joint annuitants; clarifying the contribution rate and interest required to be paid for such purchases; increasing the age at which a Special Risk Class Member must elect whether to participate in the Deferred Retirement Option Program; updating and correcting references; amending s. 121.122, F.S.; correcting a reference; amending 121.24, F.S.; authorizing the State Retirement Commission to adopt rules; amending s. 121.35, F.S.; conforming provisions relating to de minimis accounts to federal law; amending s. 121.40, F.S., to remove reemployment limitations and reenacting subsection (12), relating to contribution rates for the supplemental retirement program for the Institute of Food and Agricultural Sciences at the University of Florida; reenacting s. 413.051(11) and (12), F.S., relating to Florida Retirement System membership eligibility and retirement contribution payments for blind vending facility operators; amending ss. 175.071 and 185.06, F.S.; providing, with respect to the board of trustees for municipal firefighters' pension trust funds and municipal police officers' retirement trust funds that the board may invest in corporations on the National Market System of the Nasdaq Stock Market; repealing s. 121.027, F.S., amending s. 112.18, F.S.; providing presumptions that certain illnesses incurred by law enforcement officers are done so in the line of duty; relating to rulemaking authority for that act; requiring the Board of Trustees of the State Board of Administration to review the actuarial valuation of the Florida Retirement System; requiring the Board to review the process of retirement contribution rates and comment to the legislature; providing an effective date.

—which was previously considered this day.

Senator Webster moved the following amendment:

Amendment 1 (515032)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsections (4) and (5) of section 112.63, Florida Statutes, are amended to read:

112.63 Actuarial reports and statements of actuarial impact; review.—

(4) Upon receipt, pursuant to subsection (2), of an actuarial report, or upon receipt, pursuant to subsection (3), of a statement of actuarial impact, the division shall *acknowledge such receipt, but shall only review and comment on each retirement system's or plan's the actuarial valuations at least on a triennial basis and statements.* If the division finds that the actuarial valuation is not complete, accurate, or based on reasonable assumptions, or if the division does not receive the actuarial report or statement of actuarial impact, the division shall notify the local government and request appropriate adjustment. If, after a reasonable period of time, a satisfactory adjustment is not made, the affected local government or the division may petition for a hearing under the provisions of ss. 120.569 and 120.57. If the administrative law judge recommends in favor of the division, the division shall perform an actuarial review or prepare the statement of actuarial impact. The cost to the division of performing such actuarial review or preparing such statement shall be charged to the governmental entity of which the employees are covered by the retirement system or plan. If payment of such costs is not received by the division within 60 days after receipt by the governmental entity of the request for payment, the division shall certify to the Comptroller the amount due, and the Comptroller shall pay such amount to the division from any funds payable to the governmental entity of which the employees are covered by the retirement system or plan. If the administrative law judge recommends in favor of the local retirement system and the division performs an actuarial review, the cost to the division of performing the actuarial review shall be paid by the division.

(5) Payments made to the fund as required by this chapter shall be based on the normal and past service costs contained in the ~~state-accepted version of the~~ most recent actuarial valuation, *subject to being state-accepted.*

Section 2. Subsection (2) of section 112.65, Florida Statutes, is amended to read:

112.65 Limitation of benefits.—

(2) No member of a retirement system or plan covered by this part who is not now a member of such plan shall be allowed to receive a retirement benefit or pension which is in part or in whole based upon any service with respect to which the member is already receiving, or will receive in the future, a retirement benefit or pension from a *different employer's another* retirement system or plan. This restriction does not apply to social security benefits or federal benefits under chapter 67, Title 10, U.S. Code.

Section 3. Paragraph (b) of subsection (2) of section and paragraph (e) of subsection (3) of section 121.011, Florida Statutes, 1998 Supplement, are amended to read:

121.011 Florida Retirement System.—

(2) CONSOLIDATION OF EXISTING SYSTEMS AND LAWS.—

(b) The chapters or retirement system laws named in paragraph (a) are hereby consolidated as separate instruments appended to the "Florida Retirement System Act" established by this chapter, and the administration of said chapters or retirement systems shall be consolidated with the administration of the Florida Retirement System established by this chapter, and the Florida Retirement System shall assume all liabilities related to the payment of benefits to members and their beneficiaries *under the respective retirement systems of the members and their beneficiaries.*

(3) PRESERVATION OF RIGHTS.—

(e) Any member of the Florida Retirement System or any member of an existing system under this chapter on July 1, 1975, who is not retired and who is, has been, or shall be, suspended and reinstated without compensation shall receive retirement service credit for the period of time from the date of suspension to the date of reinstatement, provided:

1. The creditable service claimed for the period of suspension does not exceed 24 months;

2. The member returns to active employment and remains on the employer's payroll for at least *1 calendar month* ~~30 calendar days~~; and

3. The member pays into the Retirement System Trust Fund the total required employer contributions plus the total employee contributions, if applicable, based on the member's monthly compensation in effect for the pay period immediately preceding the period of suspension, prorated for the said period of suspension, plus interest thereon at a rate of 4 percent per annum compounded annually until July 1, 1975, and 6.5 percent interest thereafter until paid. If permitted by federal law, the member may pay into the Social Security Trust Fund the total cost, if any, of providing social security coverage for the period of suspension if any social security payments have been made by the employer for the benefit of the member during such period. Should there be any conflict as to payment for social security coverage, the payment for retirement service credit shall be made and retirement service credit granted regardless of such conflict.

Section 4. Paragraph (a) of subsection (17) of section 121.021, Florida Statutes, 1998 Supplement, is amended to read:

121.021 Definitions.—The following words and phrases as used in this chapter have the respective meanings set forth unless a different meaning is plainly required by the context:

(17)(a) "Creditable service" of any member means the sum of his or her past service, prior service, military service, out-of-state or *non-FRS in-state* service, workers' compensation credit, *leave-of-absence credit* and future service allowed within the provisions of this chapter if all required contributions have been paid and all other requirements of this chapter have been met. However, in no case shall a member receive credit for more than a year's service during any 12-month period. Service ~~by as applied to a teacher, or a nonacademic employee of a school board, or an employee of a participating employer other than a school board whose total employment is to provide services to a school board for the school year only~~ shall be based on contract years of employment or school term years of employment, as provided in chapters 122 and 238, rather than 12-month periods of employment.

Section 5. Subsections (1) and (3) of section 121.031, Florida Statutes, are amended to read:

121.031 Administration of system; appropriation; oaths; actuarial studies; public records.—

(1) The Division of Retirement ~~has the authority to adopt~~ ~~shall make such rules pursuant to ss. 120.54 and 120.536(1) to implement the provisions of law conferring duties upon the division and to adopt rules as are necessary for the effective and efficient administration of this system.~~ The funds to pay the expenses for ~~such~~ administration of the system are hereby appropriated from the interest earned on investments made for the retirement and social security trust funds and the assessments allowed under chapter 650.

(3) The administrator shall cause an actuarial study of the system to be made at least once every 2 years and shall report the results of such study to the Legislature by February 1 prior to the next legislative session. ~~Such study shall, at a minimum, conform to the requirements of s. 112.63, with the following exceptions and additions:~~

(a) ~~The study shall, at a minimum, conform to the requirements of s. 112.63, with the following exceptions and additions:~~

1.~~(a)~~ The valuation of plan assets shall be based on a 5-year averaging methodology such as that specified in the United States Department of Treasury Regulations, 26 C.F.R. s. 1.412(c)(2)-1, or a similar accepted approach designed to attenuate fluctuations in asset values.

2.~~(b)~~ The study shall include a narrative explaining the changes in the covered group over the period between actuarial valuations and the impact of those changes on actuarial results.

3.~~(c)~~ When substantial changes in actuarial assumptions have been made, the study shall reflect the results of an actuarial assumption as of the current date based on the assumptions utilized in the prior actuarial report.

4.~~(d)~~ The study shall include an analysis of the changes in actuarial valuation results by the factors generating those changes. Such analysis shall reconcile the current actuarial valuation results with those results from the prior valuation.

5.~~(e)~~ The study shall include measures of funding status and funding progress designed to facilitate the assessment of trends over several actuarial valuations with respect to the overall solvency of the system. Such measures shall be adopted by the division and shall be used consistently in all actuarial valuations performed on the system.

(b) ~~The Florida Retirement System Actuarial Assumption Conference which is hereby created shall by consensus develop official information with respect to the economic and noneconomic assumptions and funding methods of the Florida Retirement System necessary to perform the study. Such information shall include: an analysis of the actuarial assumptions and actuarial methods and a determination of whether changes to the assumptions or methods need to be made due to experience changes or revised future forecasts. The members of the conference shall include the Executive Office of the Governor, the coordinator of the Office of Economic and Demographic Research, and professional staff of the Senate and House of Representatives who have forecasting expertise, or their designees. The Executive Office of the Governor shall have the responsibility of presiding over the sessions of the conference. The State Board of Administration and the Division of Retirement shall be participants, as defined in s. 216.134, in the conference.~~

Section 6. Subsection (6) of section 121.051, Florida Statutes, 1998 Supplement, as amended by chapter 96-423, Laws of Florida, is reenacted to read:

121.051 Participation in the system.—

(6) SEASONAL STATE EMPLOYMENT; BLIND VENDING FACILITY OPERATORS.—

(a) Seasonal state employment shall be included under this chapter, and the time limit and procedure for claiming same as set forth in s. 122.07 shall continue under this chapter for those members transferring to this system and for all new members.

(b)1. All blind or partially sighted persons employed or licensed by the Division of Blind Services as vending facility operators on or after December 1, 1970, and prior to July 1, 1996, are hereby declared to be state employees within the meaning of this chapter, and all vending facility operators licensed and employed during that period shall be compulsory members of the Florida Retirement System in compliance with this chapter for as long as the member is a vending facility operator, except as provided in subparagraph 3.

2. Blindness shall not be deemed a retirement disability within the provisions of this chapter for such members as are contemplated by this paragraph.

3. Any vending facility operator as described in subparagraph 1. may elect, on or before July 31, 1996, to withdraw from the Florida Retirement System as provided in s. 413.051(11). The election to withdraw shall take effect as of July 1, 1996, and the decision to withdraw is irrevocable. A vending facility operator who withdraws from the Florida Retirement System as provided in this subparagraph shall retain all creditable service earned in the Florida Retirement System through the month that retirement contributions ceased to be reported, and no creditable service shall be earned as a vending facility operator after such month. However, any such person may participate in the Florida Retirement System in the future if employed by a participating employer in a covered position.

4. All blind or partially sighted persons employed or licensed by the Division of Blind Services as vending facility operators on or after July 1, 1996, shall be independent contractors within the meaning of this chapter and shall not be eligible for membership in the Florida Retirement System.

Section 7. Paragraph (a) of subsection (7) of section 121.052, Florida Statutes, 1998 Supplement, as amended by chapters 96-423 and 98-413, Laws of Florida, is reenacted and amended to read:

121.052 Membership class of elected officers.—

(7) CONTRIBUTIONS.—

(a) The following table states the required retirement contribution rates for members of the Elected Officers' Class and their employers in terms of a percentage of the member's gross compensation. A change in a contribution rate is effective with the first salary paid on or after the beginning date of the change. Contributions shall be made or deducted as may be appropriate for each pay period and are in addition to the contributions required for social security and the Retiree Health Insurance Subsidy Trust Fund.

Dates of Contribution Rate Changes	Members	Employers
July 1, 1972, through September 30, 1977		
Legislators	8%	8%
All Other Members	8%	8%
October 1, 1977, through September 30, 1978		
Legislators	8%	8%
All Other Members	4%	12%
October 1, 1978, through September 30, 1979		
Legislators	8%	10.57%
All Other Members	4%	16.78%
October 1, 1979, through September 30, 1981		
Legislators	8%	10.57%
Governor, Lt. Governor, Cabinet Officers	4%	16.78%
All Other Members	0%	20.78%
July 1, 1981, through June 30, 1984		
County Elected Officers	0%	19.30%
July 1, 1984, through September 30, 1984		
County Elected Officers	0%	20.25%
October 1, 1981, through September 30, 1984		
Legislators	0%	19.30%
Governor, Lt. Governor, Cabinet Officers	0%	21.03%
State Attorneys, Public Defenders	0%	20.95%
Justices, Judges	0%	22.55%

Dates of Contribution Rate Changes	Members	Employers
October 1, 1984, through September 30, 1986		
Legislators	0%	10.98%
Governor, Lt. Governor, Cabinet Officers	0%	10.98%
State Attorneys, Public Defenders	0%	10.98%
Justices, Judges	0%	21.79%
County Elected Officers	0%	16.97%
October 1, 1986, through December 31, 1988		
Legislators	0%	11.50%
Governor, Lt. Governor, Cabinet Officers	0%	11.50%
State Attorneys, Public Defenders	0%	11.50%
Justices, Judges	0%	20.94%
County Elected Officers	0%	17.19%
January 1, 1989, through December 31, 1989		
Legislators	0%	13.70%
Governor, Lt. Governor, Cabinet Officers	0%	13.70%
State Attorneys, Public Defenders	0%	13.70%
Justices, Judges	0%	22.58%
County Elected Officers	0%	18.44%
January 1, 1990, through December 31, 1990		
Legislators	0%	15.91%
Governor, Lt. Governor, Cabinet Officers	0%	15.91%
State Attorneys, Public Defenders	0%	15.91%
Justices, Judges	0%	24.22%
County Elected Officers	0%	19.71%
January 1, 1991, through December 31, 1991		
Legislators	0%	17.73%
Governor, Lt. Governor, Cabinet Officers	0%	17.73%
State Attorneys, Public Defenders	0%	17.73%
Justices, Judges	0%	26.63%
County Elected Officers	0%	23.32%
January 1, 1992, through December 31, 1992		
Legislators	0%	19.94%
Governor, Lt. Governor, Cabinet Officers	0%	19.94%
State Attorneys, Public Defenders	0%	19.94%
Justices, Judges	0%	28.27%
County Elected Officers	0%	24.59%
January 1, 1993, through December 31, 1993		
Legislators	0%	22.14%
Governor, Lt. Governor, Cabinet Officers	0%	22.14%
State Attorneys, Public Defenders	0%	22.14%
Justices, Judges	0%	29.91%
County Elected Officers	0%	25.84%
January 1, 1994, through December 31, 1994		
Legislators	0%	22.65%
Governor, Lt. Governor, Cabinet Officers	0%	22.65%
State Attorneys, Public Defenders	0%	22.65%
Justices, Judges	0%	30.52%
County Elected Officers	0%	26.07%
January 1, 1995, through December 31, 1995		
Legislators	0%	22.80%
Governor, Lt. Governor, Cabinet Officers	0%	22.80%
State Attorneys, Public Defenders	0%	22.80%
Justices, Judges	0%	30.21%
County Elected Officers	0%	27.48%
January 1, 1996, through June 30, 1996		
Legislators	0%	22.90%
Governor, Lt. Governor, Cabinet Officers	0%	22.90%
State Attorneys, Public Defenders	0%	22.90%
Justices, Judges	0%	30.15%
County Elected Officers	0%	27.54%

Dates of Contribution Rate Changes	Members	Employers
July 1, 1996, through June 30, 1998		
Legislators	0%	23.07%
Governor, Lt. Governor, Cabinet Officers	0%	23.07%
State Attorneys, Public Defenders	0%	23.07%
Justices, Judges	0%	29.55%
County Elected Officers	0%	27.33%
Effective July 1, 1998, through June 30, 1999		
Legislators	0%	22.33%
Governor, Lt. Governor, Cabinet Officers	0%	22.33%
State Attorneys, Public Defenders	0%	22.33%
Justices, Judges	0%	27.21%
County Elected Officers	0%	26.99%
Effective July 1, 1999		
Legislators	0%	14.31%
Governor, Lt. Governor, Cabinet Officers	0%	14.31%
State Attorneys, Public Defenders	0%	14.31%
Justices, Judges	0%	20.48%
County Elected Officers	0%	17.05%

Section 8. Paragraph (a) of subsection (3) of section 121.055, Florida Statutes, 1998 Supplement, as amended by chapters 96-423 and 98-413, Laws of Florida, is reenacted and amended, and paragraph (e) of subsection (6) of said section is amended, to read:

121.055 Senior Management Service Class.—There is hereby established a separate class of membership within the Florida Retirement System to be known as the “Senior Management Service Class,” which shall become effective February 1, 1987.

(3)(a) The following table states the required retirement contribution rates for members of the Senior Management Service Class and their employers in terms of a percentage of the member’s gross compensation. A change in the contribution rate is effective with the first salary paid on or after the beginning date of the change. Contributions shall be made for each pay period and are in addition to the contributions required for social security and the Retiree Health Insurance Subsidy Trust Fund.

Dates of Contribution Rate Changes	Members	Employers
February 1, 1987, through December 31, 1988	0%	13.88%
January 1, 1989, through December 31, 1989	0%	14.95%
January 1, 1990, through December 31, 1990	0%	16.04%
January 1, 1991, through December 31, 1991	0%	18.39%
January 1, 1992, through December 31, 1992	0%	19.48%
January 1, 1993, through December 31, 1993	0%	20.55%
January 1, 1994, through December 31, 1994	0%	23.07%
January 1, 1995, through December 31, 1995	0%	23.88%
January 1, 1996, through June 30, 1996	0%	24.14%
July 1, 1996, through June 30, 1998	0%	21.58%
Effective July 1, 1998, through		

Dates of Contribution Rate Changes	Members	Employers
June 30, 1999	0%	23.10%
Effective July 1, 1999	0%	11.19%

(6)
(e) Benefits.—

1. Benefits shall be payable under the Senior Management Service Optional Annuity Program only to participants in the program, or their beneficiaries as designated by the participant in the contract with a provider company, and such benefits shall be paid by the designated company in accordance with the terms of the annuity contract or contracts applicable to the participant. A participant must be terminated from all employment with all Florida Retirement System employers as provided in s. 121.021(39) to begin receiving the employer-funded benefit. Benefits funded by employer contributions shall be payable only as a lifetime annuity to the participant, his beneficiary, or his estate, except for:

- a. A lump-sum payment to the beneficiary upon the death of the participant; or
- b. A cash-out of a de minimis account upon the request of a former participant who has been terminated for a minimum of 6 months from the employment that entitled him to optional ~~annuity retirement~~ program participation. A de minimis account is an account with a provider company containing employer contributions and accumulated earnings of not more than ~~\$5,000~~ ~~\$3,500~~ made under the provisions of this chapter. Such cash-out must be a complete liquidation of the account balance with that company and is subject to the provisions of the Internal Revenue Code.

2. The benefits payable to any person under the Senior Management Service Optional Annuity Program, and any contribution accumulated under such program, shall not be subject to assignment, execution, or attachment or to any legal process whatsoever.

3. A participant who receives optional annuity program benefits funded by employer contributions shall be deemed to be retired from a state-administered retirement system in the event of subsequent employment with any employer that participates in the Florida Retirement System.

Section 9. Subsection (1) of section 121.071, Florida Statutes, 1998 Supplement, as amended by chapters 96-423 and 98-413, Laws of Florida, is reenacted and amended to read:

121.071 Contributions.—Contributions to the system shall be made as follows:

(1) The following tables state the required retirement contribution rates for members of the Regular Class, Special Risk Class, or Special Risk Administrative Support Class and their employers in terms of a percentage of the member’s gross compensation. A change in a contribution rate is effective with the first salary paid on or after the beginning date of the change. Contributions shall be made or deducted as may be appropriate for each pay period and are in addition to the contributions required for social security and the Retiree Health Insurance Subsidy Trust Fund.

(a) Retirement contributions for regular members are as follows:

Dates of Contribution Rate Changes	Members	Employers
December 1, 1970, through December 31, 1974, for state agencies, state universities, community colleges, and district school boards	4%	4%
December 1, 1970, through September 30, 1975, for all other local government agencies	4%	4%
January 1, 1975, through September 30, 1978, for state agencies and state universities	0%	9%
January 1, 1975, through July 31, 1978, for community colleges and district school boards	0%	9%

Dates of Contribution Rate Changes	Members	Employers	Dates of Contribution Rate Changes	Members	Employers
October 1, 1975, through September 30, 1978, for all other local government agencies	0%	9%	September 30, 1986	0%	14.67%
August 1, 1978, through September 30, 1981, for community colleges and district school boards	0%	9.1%	October 1, 1986, through December 31, 1988	0%	15.11%
October 1, 1978, through September 30, 1981, for all other agencies	0%	9.1%	January 1, 1989, through December 31, 1989	0%	17.50%
October 1, 1981, through September 30, 1984	0%	10.93%	January 1, 1990, through December 31, 1990	0%	19.90%
October 1, 1984, through September 30, 1986	0%	12.24%	January 1, 1991, through December 31, 1991	0%	25.52%
October 1, 1986, through December 31, 1988	0%	13.14%	January 1, 1992, through December 31, 1992	0%	26.35%
January 1, 1989, through December 31, 1989	0%	13.90%	January 1, 1993, through December 31, 1993	0%	27.14%
January 1, 1990, through December 31, 1990	0%	14.66%	January 1, 1994, through December 31, 1994	0%	27.03%
January 1, 1991, through December 31, 1991	0%	15.72%	January 1, 1995, through December 31, 1995	0%	26.83%
January 1, 1992, through December 31, 1992	0%	16.51%	January 1, 1996, through June 30, 1996	0%	26.84%
January 1, 1993, through December 31, 1993	0%	17.27%	July 1, 1996, through June 30, 1998	0%	26.44%
January 1, 1994, through December 31, 1994	0%	17.10%	<i>Effective July 1, 1998, through June 30, 1999</i>	0%	24.38%
January 1, 1995, through December 31, 1995	0%	16.91%	<i>Effective July 1, 1999</i>	0%	20.22%
January 1, 1996, through June 30, 1996	0%	17.00%	(c) Retirement contributions for special risk administrative support members are as follows:		
July 1, 1996, through June 30, 1998	0%	16.77%	Dates of Contribution Rate Changes	Members	Employers
<i>Effective July 1, 1998, through June 30, 1999</i>	0%	15.51%	July 1, 1982, through September 30, 1984	0%	11.14%
<i>Effective July 1, 1999</i>	0%	9.21%	October 1, 1984, through September 30, 1986	0%	13.09%
(b) Retirement contributions for special risk members are as follows:			October 1, 1986, through December 31, 1988	0%	15.44%
Dates of Contribution Rate Changes	Members	Employers	January 1, 1989, through December 31, 1989	0%	14.76%
December 1, 1970, through September 30, 1974	6%	6%	January 1, 1990, through December 31, 1990	0%	14.09%
October 1, 1974, through December 31, 1974, for state agencies, state universities, community colleges, and district school boards	8%	8%	January 1, 1991, through December 31, 1991	0%	20.16%
October 1, 1974, through September 30, 1975, for all other local government agencies	8%	8%	January 1, 1992, through December 31, 1992	0%	19.51%
January 1, 1975, through September 30, 1978, for state agencies, state universities, community colleges, and district school boards	0%	13%	January 1, 1993, through December 31, 1993	0%	18.83%
October 1, 1975, through September 30, 1978, for other local government agencies	0%	13%	January 1, 1994, through December 31, 1994	0%	18.59%
October 1, 1978, through September 30, 1981	0%	13.95%	January 1, 1995, through December 31, 1995	0%	17.81%
October 1, 1981, through September 30, 1984	0%	13.91%	January 1, 1996, through June 30, 1996	0%	17.80%
October 1, 1984, through			July 1, 1996, through June 30, 1998	0%	17.20%
			<i>Effective July 1, 1998, through June 30, 1999</i>	0%	14.64%
			<i>Effective July 1, 1999</i>	0%	11.53

Section 10. Paragraph (i) of subsection (1) and subsection (2) of section 121.081, Florida Statutes, 1998 Supplement, are amended to read:

121.081 Past service; prior service; contributions.—Conditions under which past service or prior service may be claimed and credited are:

(1)

(i) An employee of a state agency who was a member of a state-administered retirement system and who was granted educational leave with pay pursuant to a written educational leave-with-pay policy may claim such period of educational leave as past service subject to the following conditions:

1. The educational leave must have occurred prior to December 31, 1971;

2. The member must have completed at least 10 years of creditable service excluding the period of the educational leave;

3. The employee must have returned to employment with a state agency employer who participated in the retirement system, which return was immediately upon termination of the educational leave, and must have remained on the employer's payroll for at least *1 calendar month 30 calendar days* following the return to employment;

4. The employee must be a member of the Florida Retirement System at the time he or she claims such service;

5. Not more than 24 months of creditable service may be claimed for such period of educational leave with pay;

6. The service must not be claimed under any other state or federal retirement system; and

7. The member must pay to the retirement trust fund for claiming such past-service credit an amount equal to 8 percent of his or her gross annual salary immediately prior to the educational leave with pay for each year of past service claimed, plus 4 percent interest thereon compounded annually each June 30 from the first year of service claimed until July 1, 1975, and 6.5 percent interest thereafter on the unpaid balance compounded annually each June 30 until paid.

(2) Prior service, as defined in s. 121.021(19), may be claimed as creditable service under the Florida Retirement System after a member has been reemployed for *1 complete year of creditable service within a period of 12 consecutive continuous months*, except as provided in paragraph (c). Service performed as a participant of the optional retirement program for the State University System under s. 121.35 or the Senior Management Service Optional Annuity Program under s. 121.055 may be used to satisfy the *reemployment requirement of 1 complete year of creditable service 12 continuous month requirement*. The member shall not be permitted to make any contributions for prior service until after *completion of the 1 year of creditable service 12 month period*. The required contributions for claiming the various types of prior service are:

(a) For prior service performed prior to the date the system becomes noncontributory for the member and for which the member had credit under one of the existing retirement systems and received a refund of contributions upon termination of employment, the member shall contribute 4 percent of all salary received during the period being claimed, plus 4 percent interest compounded annually from date of refund until July 1, 1975, and 6.5 percent interest compounded annually thereafter, until full payment is made to the Retirement Trust Fund. A member who elected to transfer to the Florida Retirement System from an existing system may receive credit for prior service under the existing system if he or she was eligible under the existing system to claim the prior service at the time of the transfer. Contributions for such prior service shall be determined by the applicable provisions of the system under which the prior service is claimed and shall be paid by the member, with matching contributions paid by the employer at the time the service was performed. Effective July 1, 1978, the account of a person who terminated under s. 238.05(3) may not be charged interest for contributions that remained on deposit in the Annuity Savings Trust Fund established under chapter 238, upon retirement under this chapter or chapter 238.

(b) For prior service performed prior to the date the system becomes noncontributory for the member and for which the member had credit under the Florida Retirement System and received a refund of contributions upon termination of employment, the member shall contribute at the rate that was required of him or her during the period of service

being claimed, on all salary received during such period, plus 4 percent interest compounded annually from date of refund until July 1, 1975, and 6.5 percent interest compounded annually thereafter, until the full payment is made to the Retirement Trust Fund.

(c) For prior service as defined in s. 121.021(19)(b) and (c) during which no contributions were made because the member did not participate in a retirement system, the member shall contribute 14.38 percent of all salary received during such period or 14.38 percent of \$100 per month during such period, whichever is greater, plus 4 percent interest compounded annually from the first year of service claimed until July 1, 1975, and 6.5 percent interest compounded annually thereafter, until full payment is made to the Retirement Trust Fund.

(d) In order to claim credit for prior service as defined in s. 121.021(19)(d) for which no retirement contributions were paid during the period of such service, the member shall contribute the total employee and employer contributions which were required to be made to the Highway Patrol Pension Trust Fund, as provided in chapter 321, during the period claimed, plus 4 percent interest compounded annually from the first year of service until July 1, 1975, and 6.5 percent interest compounded annually thereafter, until full payment is made to the Retirement Trust Fund. However, any governmental entity which employed such member may elect to pay up to 50 percent of the contributions and interest required to purchase this prior service credit.

(e) For service performed under the Florida Retirement System after December 1, 1970, that was never reported to the division due to error, retirement credit may be claimed by a member of the Florida Retirement System. The division shall adopt rules establishing criteria for claiming such credit and detailing the documentation required to substantiate the error.

(f) The employer may not be required to make contributions for prior service credit for any member, except that the employer shall pay the employer portion of contributions for any legislator who elects to withdraw from the Florida Retirement System and later rejoins the system and pays any employee contributions required in accordance with s. 121.052(3)(d).

Section 11. Paragraph (c) of subsection (4), paragraph (f) of subsection (7), and paragraphs (a) and (i) of subsection (13) of section 121.091, Florida Statutes, 1998 Supplement, are amended to read:

121.091 Benefits payable under the system.—Benefits may not be paid under this section unless the member has terminated employment as provided in s. 121.021(39)(a) or begun participation in the Deferred Retirement Option Program as provided in subsection (13), and a proper application has been filed in the manner prescribed by the division. The division may cancel an application for retirement benefits when the member or beneficiary fails to timely provide the information and documents required by this chapter and the division's rules. The division shall adopt rules establishing procedures for application for retirement benefits and for the cancellation of such application when the required information or documents are not received.

(4) DISABILITY RETIREMENT BENEFIT.—

(b) Total and permanent disability.—A member shall be considered totally and permanently disabled if, in the opinion of the administrator, he or she is prevented, by reason of a medically determinable physical or mental impairment, from rendering useful and efficient service as an officer or employee.

(c) Proof of disability.—The administrator, before approving payment of any disability retirement benefit, shall require proof that the member is totally and permanently disabled as provided herein:

1. *Such, which* proof shall include the certification of the member's total and permanent disability by two licensed physicians of the state and such other evidence of disability as the administrator may require, including reports from vocational rehabilitation, evaluation, or testing specialists who have evaluated the applicant for employment.

2. *It must be documented that:*

a. *The member's medical condition occurred or became symptomatic during the time the member was employed in an employee/employer relationship with his or her employer;*

b. *The member was totally and permanently disabled at the time he or she terminated covered employment; and*

c. *The member has not been employed with any other employer after such termination.*

3. *If the application is for in-line-of-duty disability, in addition to the requirements of subparagraph 2., it must be documented by competent medical evidence that the disability was caused by a job-related illness or accident which occurred while the member was in an employee/employer relationship with his or her employer.*

4. The unavailability of an employment position that the member is physically and mentally capable of performing will not be considered as proof of total and permanent disability.

(7) DEATH BENEFITS.—

(f) Notwithstanding any other provisions in this chapter to the contrary and upon application to the administrator, an eligible joint annuitant, of a member whose employment is terminated by death within 1 year of such member satisfying the service requirements for vesting and retirement eligibility, shall be permitted to purchase only the additional service credit necessary to vest and qualify for retirement benefits, *not to exceed a total of 1 year of credit*, by one or a combination of the following methods:

1. Such eligible joint annuitant may use the deceased member's accumulated hours of annual, sick, and compensatory leave to purchase additional creditable service, on an hour by hour basis, provided that such deceased member's accumulated leave is sufficient to cover the additional months required. For each month of service credit needed prior to the final month, credit for the total number of work hours in that month must be purchased, using an equal number of the deceased member's accumulated leave hours. Service credit required for the final month in which the deceased member would have become vested shall be awarded upon the purchase of 1 hour of credit. Such eligible joint annuitant shall pay the contribution rate in effect *for the period of time being claimed for at the time of purchase* of the deceased member's class of membership, multiplied by such member's monthly salary at the time of death, *plus 6.5 percent interest compounded annually*. The accumulated leave payment used in the average final compensation shall not include that portion of the payment that represents any leave hours used in the purchase of such creditable service.

2. Such eligible joint annuitant may purchase additional months of creditable service, ~~up to a maximum of 1 year~~, for any periods of out-of-state service as provided in s. 121.1115, ~~and~~ or in-state service as provided in s. 121.1122, that the deceased member would have been eligible to purchase prior to his or her death.

Service purchased under this paragraph shall be added to the creditable service of the member and used to vest for retirement eligibility, and shall be used in the calculation of any benefits which may be payable to the eligible joint annuitant. Any benefits paid in accordance with this paragraph shall only be made prospectively.

(13) DEFERRED RETIREMENT OPTION PROGRAM.—In general, and subject to the provisions of this section, the Deferred Retirement Option Program, hereinafter referred to as the DROP, is a program under which an eligible member of the Florida Retirement System may elect to participate, deferring receipt of retirement benefits while continuing employment with his or her Florida Retirement System employer. The deferred monthly benefits shall accrue in the System Trust Fund on behalf of the participant, plus interest compounded monthly, for the specified period of the DROP participation, as provided in paragraph (c). Upon termination of employment, the participant shall receive the total DROP benefits and begin to receive the previously determined normal retirement benefits. Participation in the DROP does not guarantee employment for the specified period of DROP.

(a) Eligibility of member to participate in the DROP.—All active Florida Retirement System members in a regularly established position, and all active members of either the Teachers' Retirement System established in chapter 238 or the State and County Officers' and Employees' Retirement System established in chapter 122 which systems are consolidated within the Florida Retirement System under s. 121.011, are eligible to elect participation in the DROP provided that:

1. The member is not a renewed member of the Florida Retirement System under s. 121.122, or a member of the State Community College System Optional Retirement Program under s. 121.051, the Senior Management Service Optional Annuity Program under s. 121.055, or the optional retirement program for the State University System under s. 121.35.

2. Election to participate is made within 12 months immediately following the date on which the member first reaches normal retirement date, or, for a member who reaches normal retirement date based on service before he or she reaches age 62, or age 55 for Special Risk Class members, election to participate may be deferred to the 12 months immediately following the date the member attains 57, or age 52 50 for Special Risk Class members. For a member who first reached normal retirement date or the deferred eligibility date described above prior to the effective date of this section, election to participate shall be made within 12 months after the effective date of this section. A member who fails to make an election within such 12-month limitation period shall forfeit all rights to participate in the DROP. The member shall advise his or her employer and the division in writing of the date on which the DROP shall begin. Such beginning date may be subsequent to the 12-month election period, but must be within the 60-month limitation period as provided in subparagraph (b)1. When establishing eligibility of the member to participate in the DROP or the 60-month maximum participation period, the member may elect to include or exclude any optional service credit purchased by the member from the total service used to establish the normal retirement date. A member with dual normal retirement dates shall be eligible to elect to participate in DROP within 12 months after attaining normal retirement date in either class.

3. The employer of a member electing to participate in the DROP, or employers if dually employed, shall acknowledge in writing to the division the date the member's participation in the DROP begins and the date the member's employment and DROP participation will terminate.

4. Simultaneous employment of a participant by additional Florida Retirement System employers subsequent to the commencement of participation in the DROP shall be permissible provided such employers acknowledge in writing a DROP termination date no later than the participant's existing termination date or the 60-month limitation period as provided in subparagraph (b)1.

5. A DROP participant may change employers while participating in the DROP, subject to the following:

a. A change of employment must take place without a break in service so that the member receives salary for each month of continuous DROP participation. If a member receives no salary during a month, DROP participation shall cease unless the employer verifies a continuation of the employment relationship for such participant pursuant to s. 121.021(39)(b).

b. Such participant and new employer shall notify the division on forms required by the division as to the identity of the new employer.

c. The new employer shall acknowledge, in writing, the participant's DROP termination date, which may be extended but not beyond the original 60-month period provided in subparagraph (b)1., shall acknowledge liability for any additional retirement contributions and interest required if the participant fails to timely terminate employment, and shall be subject to the adjustment required in sub-subparagraph (c)5.d. (e)4.d.

(i) Contributions.—

1. All employers paying the salary of a DROP participant filling a regularly established position shall contribute 11.56 percent of such participant's gross compensation, which shall constitute the entire employer DROP contribution with respect to such participant. Such contributions, payable to the System Trust Fund in the same manner as required in s. 121.071, shall be made as appropriate for each pay period and are in addition to contributions required for social security and the Retiree Health Insurance Subsidy Trust Fund. Such employer, social security, and health insurance subsidy contributions are not included in the DROP.

2. The employer shall, in addition to subparagraph 1., also withhold one-half of the entire social security contribution required for the participant. Contributions for social security by each participant and each

employer, in the amount required for social security coverage as now or hereafter provided by the federal Social Security Act, shall be in addition to contributions specified in subparagraph 1.

3. All employers paying the salary of a DROP participant filling a regularly established position shall contribute ~~the 0.66~~ percent of such participant's gross compensation *required in s. 121.071(4)*, which shall constitute the employer's health insurance subsidy contribution with respect to such participant. Such contributions shall be deposited by the administrator in the Retiree Health Insurance Subsidy Trust Fund.

Section 12. Subsection (3) of section 121.122, Florida Statutes, 1998 Supplement, is amended to read:

121.122 Renewed membership in system.—Except as provided in s. 121.053, effective July 1, 1991, any retiree of a state-administered retirement system who is employed in a regularly established position with a covered employer shall be enrolled as a compulsory member of the Regular Class of the Florida Retirement System or, effective July 1, 1997, any retiree of a state-administered retirement system who is employed in a position included in the Senior Management Service Class shall be enrolled as a compulsory member of the Senior Management Service Class of the Florida Retirement System as provided in s. 121.055, and shall be entitled to receive an additional retirement benefit, subject to the following conditions:

(3) Such member shall be entitled to purchase additional retirement credit in the Regular Class or the Senior Management Service Class, as applicable, for any postretirement service performed in a regularly established position as follows:

(a) For regular class service prior to July 1, 1991, by paying the Regular Class applicable employee and employer contributions for the period being claimed, plus 4 percent interest compounded annually from first year of service claimed until July 1, 1975, and 6.5 percent interest compounded thereafter, until full payment is made to the Florida Retirement System Trust Fund; or

(b) For Senior Management Service Class prior to June 1, 1997, as provided in s. 121.055(1)(i)(h).

The contribution for postretirement service between July 1, 1985, and July 1, 1991, for which the reemployed retiree contribution was paid, shall be the difference between such contribution and the total applicable contribution for the period being claimed, plus interest. The employer of such member may pay the applicable employer contribution in lieu of the member. If a member does not wish to claim credit for all of the postretirement service for which he or she is eligible, the service the member claims must be the most recent service.

Section 13. Subsection (5) of section 121.24, Florida Statutes, is renumbered as subsection (6), and a new subsection (5) is added to said section, to read:

121.24 Conduct of commission business; legal and other assistance; compensation.—

(5) *The State Retirement Commission has the authority to adopt rules pursuant to ss. 120.54 and 120.536(1) to implement the provisions of law conferring duties upon the commission.*

Section 14. Paragraph (a) of subsection (5) of section 121.35, Florida Statutes, 1998 Supplement, is amended to read:

121.35 Optional retirement program for the State University System.—

(5) BENEFITS.—

(a) Benefits shall be payable under the optional retirement program only to vested participants in the program, or their beneficiaries as designated by the participant in the contract with a provider company, and such benefits shall be paid only by the designated company in accordance with the terms of the annuity contract or contracts applicable to the participant. The participant must be terminated from all employment with all Florida Retirement System employers, as provided in s. 121.021(39), to begin receiving the employer-funded benefit. Benefits funded by employer contributions shall be payable only as a lifetime annuity to the participant, his beneficiary, or his estate, except for:

1. A lump-sum payment to the beneficiary upon the death of the participant; or

2. A cash-out of a de minimis account upon the request of a former participant who has been terminated for a minimum of 6 months from the employment that entitled him to optional retirement program participation. A de minimis account is an account with a provider company containing employer contributions and accumulated earnings of not more than ~~\$5,000~~ \$3,500 made under the provisions of this chapter. Such cash-out must be a complete liquidation of the account balance with that company and is subject to the provisions of the Internal Revenue Code.

Section 15. Subsection (11) of section 121.40, Florida Statutes, 1998 Supplement, is amended, and subsection (12) of said section, as amended by chapters 96-423 and 98-413, Laws of Florida, is reenacted to read:

121.40 Cooperative extension personnel at the Institute of Food and Agricultural Sciences; supplemental retirement benefits.—

(4) ELIGIBILITY FOR SUPPLEMENT.—To be eligible for a benefit pursuant to the provisions of this section, a person must meet all of the following eligibility criteria:

(e) The person must not be entitled to any benefit from a state-supported retirement system or from social security based upon service as a cooperative extension employee of the institute. Participation in the Institute of Food and Agricultural Sciences Supplemental Retirement Program shall not constitute membership in the Florida Retirement System.

(11) EMPLOYMENT AFTER RETIREMENT: LIMITATION.—

~~(a) Any person who is receiving a supplemental retirement benefit under this section may be reemployed by any private or public employer after retirement and receive supplemental retirement benefits pursuant to this section and compensation from his or her employer, without any limitations. However, if a retired participant who is receiving a supplemental retirement benefit under this section is reemployed at the institute in a position as a cooperative extension employee of the institute, he or she shall forfeit all rights to supplemental retirement benefits in accordance with the eligibility provisions of subsection (4)(e), except that no person may receive both a salary from reemployment with any agency participating in the Florida Retirement System and supplemental retirement benefits under this section for a period of 12 months immediately subsequent to the date of retirement.~~

~~(b) Each person to whom the limitation in paragraph (a) applies who violates such reemployment limitation and who is reemployed with any agency participating in the Florida Retirement System prior to completion of the 12-month limitation period shall give timely notice of this fact in writing to the employer and to the division and shall have his or her supplemental retirement benefits suspended for the balance of the 12-month limitation period. Any person employed in violation of this subsection and any employing agency which knowingly employs or appoints such person without notifying the Division of Retirement to suspend retirement benefits shall be jointly and severally liable for reimbursement to the retirement trust fund of any benefits paid during the reemployment limitation period. To avoid liability, such employing agency shall have a written statement from the retiree that he or she is not retired from a state-administered retirement system. Any supplemental retirement benefits received while reemployed during this reemployment limitation period shall be repaid to the trust fund, and supplemental retirement benefits shall remain suspended until such repayment has been made. Supplemental benefits suspended beyond the reemployment limitation shall apply toward repayment of supplemental benefits received in violation of the reemployment limitation.~~

~~(c) The reemployment by an employer participating in the Florida Retirement System of any person receiving supplemental retirement benefits under this section shall have no effect on the amount of the supplemental benefit of that person. Prior to July 1, 1991, upon employment of any person, other than an elected officer as provided in s. 121.053, who is receiving supplemental retirement benefits under this section, the employer shall pay retirement contributions in an amount equal to the unfunded actuarial accrued liability portion of the employer contribution which would be required for regular members of the Florida Retirement System. Effective July 1, 1991, contributions shall be made as provided in s. 121.122 for renewed membership.~~

(d) The limitations of this subsection apply to reemployment in any capacity with an "employer" as defined in s. 121.021(10), irrespective of the category of funds from which the person is compensated.

(12) CONTRIBUTIONS.—

(a) For the purposes of funding the supplemental benefits provided by this section, the institute is authorized and required to pay, commencing July 1, 1985, the necessary monthly contributions from its appropriated budget. These amounts shall be paid into the Institute of Food and Agricultural Sciences Supplemental Retirement Trust Fund, which is hereby created.

(b) The monthly contributions required to be paid pursuant to paragraph (a) on the gross monthly salaries, from all sources with respect to such employment, paid to those employees of the institute who hold both state and federal appointments and who participate in the federal Civil Service Retirement System shall be as follows:

Dates of Contribution Rate Changes	Percentage Due
July 1, 1985, through December 31, 1988	6.68%
January 1, 1989, through December 31, 1993	6.35%
January 1, 1994, through December 31, 1994	6.69%
January 1, 1995, through June 30, 1996	6.82%
July 1, 1996, through June 30, 1998	5.64%
Effective July 1, 1998	7.17%

Section 16. Subsection (11) of section 413.051, Florida Statutes, 1998 Supplement, as amended by chapter 96-423 and subsection (12) of said section, as amended by chapters 96-423 and 98-149, Laws of Florida, are reenacted to read:

413.051 Eligible blind persons; operation of vending stands.—

(11) Effective July 1, 1996, blind licensees who remain members of the Florida Retirement System pursuant to s. 121.051(6)(b)1. shall pay any unappropriated retirement costs from their net profits or from program income. Within 30 days after the effective date of this act, each blind licensee who is eligible to maintain membership in the Florida Retirement System under s. 121.051(6)(b)1., but who elects to withdraw from the system as provided in s. 121.051(6)(b)3., must, on or before July 31, 1996, notify the Division of Blind Services and the Division of Retirement in writing of his or her election to withdraw. Failure to timely notify the divisions shall be deemed a decision to remain a compulsory member of the Florida Retirement System. However, if, at any time after July 1, 1996, sufficient funds are not paid by a blind licensee to cover the required contribution to the Florida Retirement System, that blind licensee shall become ineligible to participate in the Florida Retirement System on the last day of the first month for which no contribution is made or the amount contributed is insufficient to cover the required contribution. For any blind licensee who becomes ineligible to participate in the Florida Retirement System as described in this subsection, no creditable service shall be earned under the Florida Retirement System for any period following the month that retirement contributions ceased to be reported. However, any such person may participate in the Florida Retirement System in the future if employed by a participating employer in a covered position.

(12) The Division of Blind Services may adopt rules to permit the division to establish and maintain vending facilities, issue licenses, establish and maintain a vending facility training program, provide vendors access to financial data of the program, set aside funds from net proceeds of the vending facility, provide for the transfer and promotion of vendors, establish a vendors committee, provide for an operation agreement, provide duties and responsibilities of the division with respect to the vending facility program, and provide procedures for newspaper vending sales.

Section 17. Paragraph (b) of subsection (1) of section 175.071, Florida Statutes, 1998 Supplement, is amended to read:

175.071 General powers and duties of board of trustees.—For any municipality, special fire control district, chapter plan, local law municipality, local law special fire control district, or local law plan under this chapter:

- (1) The board of trustees may:

(b) Invest and reinvest the assets of the firefighters' pension trust fund in:

1. Time or savings accounts of a national bank, a state bank insured by the Bank Insurance Fund, or a savings, building, and loan association insured by the Savings Association Insurance Fund which is administered by the Federal Deposit Insurance Corporation or a state or federal chartered credit union whose share accounts are insured by the National Credit Union Share Insurance Fund.

2. Obligations of the United States or obligations guaranteed as to principal and interest by the government of the United States.

3. Bonds issued by the State of Israel.

4. Bonds, stocks, or other evidences of indebtedness issued or guaranteed by a corporation organized under the laws of the United States, any state or organized territory of the United States, or the District of Columbia, provided:

- a. The corporation is listed on any one or more of the recognized national stock exchanges or on the National Market System of the Nasdaq Stock Market and, in the case of bonds only, holds a rating in one of the three highest classifications by a major rating service; and

- b. The board of trustees shall not invest more than 5 percent of its assets in the common stock or capital stock of any one issuing company, nor shall the aggregate investment in any one issuing company exceed 5 percent of the outstanding capital stock of that company or the aggregate of its investments under this subparagraph at cost exceed 50 percent of the assets of the fund.

This paragraph shall apply to all boards of trustees and participants. However, in the event that a municipality or special fire control district has a duly enacted pension plan pursuant to, and in compliance with, s. 175.351, and the trustees thereof desire to vary the investment procedures herein, the trustees of such plan shall request a variance of the investment procedures as outlined herein only through a municipal ordinance, special act of the Legislature, or resolution by the governing body of the special fire control district; where a special act, or a municipality by ordinance adopted prior to July 1, 1998, permits a greater than 50-percent equity investment, such municipality shall not be required to comply with the aggregate equity investment provisions of this paragraph. Notwithstanding any other provision of law to the contrary, nothing in this section may be construed to take away any preexisting legal authority to make equity investments that exceed the requirements of this paragraph. The board of trustees may invest up to 10 percent of plan assets in foreign securities.

Section 18. Paragraph (b) of subsection (1) of section 185.06, Florida Statutes, 1998 Supplement, is amended to read:

185.06 General powers and duties of board of trustees.—For any municipality, chapter plan, local law municipality, or local law plan under this chapter:

- (1) The board of trustees may:

- (b) Invest and reinvest the assets of the retirement trust fund in:

1. Time or savings accounts of a national bank, a state bank insured by the Bank Insurance Fund, or a savings and loan association insured by the Savings Association Insurance Fund which is administered by the Federal Deposit Insurance Corporation or a state or federal chartered credit union whose share accounts are insured by the National Credit Union Share Insurance Fund.

2. Obligations of the United States or obligations guaranteed as to principal and interest by the United States.

3. Bonds issued by the State of Israel.

4. Bonds, stocks, or other evidences of indebtedness issued or guaranteed by a corporation organized under the laws of the United States, any state or organized territory of the United States, or the District of Columbia, provided:

- a. The corporation is listed on any one or more of the recognized national stock exchanges or on the National Market System of the Nas-

daq Stock Market and, in the case of bonds only, holds a rating in one of the three highest classifications by a major rating service; and

b. The board of trustees shall not invest more than 5 percent of its assets in the common stock or capital stock of any one issuing company, nor shall the aggregate investment in any one issuing company exceed 5 percent of the outstanding capital stock of the company or the aggregate of its investments under this subparagraph at cost exceed 50 percent of the fund's assets.

This paragraph shall apply to all boards of trustees and participants. However, in the event that a municipality has a duly enacted pension plan pursuant to, and in compliance with, s. 185.35 and the trustees thereof desire to vary the investment procedures herein, the trustees of such plan shall request a variance of the investment procedures as outlined herein only through a municipal ordinance or special act of the Legislature; where a special act, or a municipality by ordinance adopted prior to July 1, 1998, permits a greater than 50-percent equity investment, such municipality shall not be required to comply with the aggregate equity investment provisions of this paragraph. Notwithstanding any other provision of law to the contrary, nothing in this section may be construed to take away any preexisting legal authority to make equity investments that exceed the requirements of this paragraph. The board of trustees may invest up to 10 percent of plan assets in foreign securities.

Section 19. *Section 121.027, Florida Statutes, is repealed.*

Section 20. *The Governor, Comptroller, and Treasurer, sitting as the Board of Trustees of the State Board of Administration, shall review the actuarial valuation report prepared in accordance with the provisions of chapter 121, Florida Statutes. The Board shall review the process by which Florida Retirement System contribution rates are determined and recommend and submit any comments regarding the process to the Legislature.*

Section 21. *Section 112.18, Florida Statutes, is amended to read:*

112.18 *Firefighters and state law enforcement officers; special provisions relative to disability.—*

(1) Any condition or impairment of health of any Florida *state*, municipal, county, port authority, special tax district, or fire control district firefighter *or state law enforcement officer* caused by tuberculosis, heart disease, or hypertension resulting in total or partial disability or death shall be presumed to have been accidental and to have been suffered in the line of duty unless the contrary be shown by competent evidence. However, any such firefighter *or state law enforcement officer* shall have successfully passed a physical examination upon entering into any such service as a firefighter *or state law enforcement officer*, which examination failed to reveal any evidence of any such condition. Such presumption shall not apply to benefits payable under or granted in a policy of life insurance or disability insurance, unless the insurer and insured have negotiated for such additional benefits to be included in the policy contract.

(2) This section shall be construed to authorize the above governmental entities to negotiate policy contracts for life and disability insurance to include accidental death benefits or double indemnity coverage which shall include the presumption that any condition or impairment of health of any firefighter caused by tuberculosis, heart disease, or hypertension resulting in total or partial disability or death was accidental and suffered in the line of duty, unless the contrary be shown by competent evidence.

Section 22. *Section 121.36, Florida Statutes, is created to read:*

121.36 *Optional retirement program for members of the regular class.—*

(1) *OPTIONAL RETIREMENT PROGRAM ESTABLISHED.—Effective July 1, 2001, the Division of Retirement shall establish an optional retirement program for members of the Regular Class of the Florida Retirement System under which contracts providing retirement benefits may be purchased for eligible employees who elect to participate in the program. The benefits to be provided for or on behalf of participants in such optional retirement program shall be provided through individual contracts, which may be fixed, variable, or a combination thereof, in accordance with s. 401(a) of the Internal Revenue Code. Any individual*

contract must contain a statement of the plan on its face page, and must include, but need not be limited to, a statement of ownership, the contract benefits, income options, limitations, expense charges, and surrender charges, if any. The state shall contribute, as provided in this section, toward the purchase of such optional benefits.

(2) *DEFINITIONS.—As used in this section, the term:*

(a) *“Approved provider” or “provider” means the State Board of Administration or a private-sector company that is selected and approved by the division to offer contracts to participants of the Regular Class Optional Retirement Program. Private-sector companies include non-profit investment management companies, insurance companies, depositories, and mutual fund companies.*

(b) *“Contract” means an individual contract or an individual certificate issued for a group contract. The term “execute a contract” includes execution of an individual contract and execution of a group contract by the Division of Retirement with issuance of an individual certificate.*

(c) *“De minimis account” refers to total vested account contributions and accumulated earnings under the Regular Class Optional Retirement Program of not more than \$5,000.*

(d) *“Eligible employee” means an employee, as defined in s. 121.021(11), who is a member of, or is eligible for membership in, the Regular Class of the Florida Retirement System. However, the term does not include any employee who is a participant of, or is eligible to participate in, any other optional retirement program authorized under this chapter, nor does the term include any renewed member of the Florida Retirement System under s. 121.122 or any member participating in the Deferred Retirement Option Program under s. 121.091(13).*

(e) *“Employer” means an employer, as defined in s. 121.021(10), of an eligible employee.*

(f) *“Participant” means an eligible employee who elects to participate in the Regular Class Optional Retirement Program and enrolls in such optional program as provided in subsection (4).*

(g) *“Regular Class Optional Retirement Program” or “optional program” means the alternative defined-contribution retirement program established under this section.*

(h) *“Vested” or “vesting” means the guarantee that a participant is eligible to receive a full or partial retirement benefit upon completion of the required years of service under the Regular Class Optional Retirement Program.*

(3) *ELIGIBILITY; RETIREMENT SERVICE CREDIT.—*

(a) *Participation in the Regular Class Optional Retirement Program is limited to eligible employees.*

(b) *An eligible employee who is a member of the Florida Retirement System at the time of his or her election to participate in the Regular Class Optional Retirement Program shall retain all retirement service credit earned under the Florida Retirement System, at the rate earned. However, election to participate in the Regular Class Optional Retirement Program terminates the active membership of the employee in the Florida Retirement System, and the service of a participant in the Regular Class Optional Retirement Program will not be creditable under the Florida Retirement System, nor will the participant be eligible for disability retirement under the Florida Retirement System.*

(c) *Notwithstanding paragraph (b), each existing employee who elects to participate in the Regular Class Optional Retirement Program and establishes one or more individual participant accounts under the program may elect to transfer to the optional program a sum representing the actuarial equivalent present value of the employee's accrued service benefit under the Florida Retirement System. Upon such election, the actuarial present value for the participant shall be determined using the discount rate and other actuarial assumptions used to value the Florida Retirement System Trust Fund at the time the amount to be transferred is determined and disregarding any vesting requirement that would otherwise apply under the Florida Retirement System. As directed by the participant, the division shall transfer the appropriate amounts to the designated accounts. The division shall establish transfer procedures by rule. Upon such transfer, all service credit previously earned under the*

Florida Retirement System shall be nullified for purposes of entitlement to a future benefit under the Florida Retirement System. Transfers are noncommissionable, must be made expeditiously, and may be in the form of securities or cash.

(4) PARTICIPATION.—

(a) With respect to eligible employees who are employed in a regularly established position on July 1, 2001:

1. Any such employee may elect to participate in the Regular Class Optional Retirement Program in lieu of retaining his or her membership in the Regular Class of the Florida Retirement System. The election must be made in writing and must be filed with the division and the personnel officer of the employer within 90 days after July 1, 2001, or, in the case of an active employee who is on a leave of absence on July 1, 2001, within 90 days after the conclusion of the leave of absence. Upon making such election, the employee shall become a participant of the Regular Class Optional Retirement Program, and the employee's membership in the Florida Retirement System will terminate. The employee's enrollment in the Regular Class Optional Retirement Program will be effective the first day of the month for which a full month's employer contribution is made to the optional program.

2. Any such employee who fails to elect to participate in the Regular Class Optional Retirement Program within the prescribed 90 days is deemed to have elected to retain membership in the Florida Retirement System.

(b) With respect to employees who become eligible to participate in the Regular Class Optional Retirement Program by reason of employment in a regularly established position commencing after July 1, 2001:

1. Any such employee shall, by default, be enrolled in the Florida Retirement System at the commencement of employment, and may, within 90 days after employment commences, elect to participate in the Regular Class Optional Retirement Program. The employee's election must be made in writing and must be filed with the personnel officer of the employer.

a. If the employee files such election before the initial payroll is submitted for the employee, enrollment in the Regular Class Optional Retirement Program will be effective on the first day of employment.

b. If the employee files such election within 90 days after employment commences, but after the initial payroll is submitted for the employee, enrollment in the optional program will be effective on the first day of the month for which a full month's employer contribution is made to the optional program.

2. Any such employee who fails to elect to participate in the Regular Class Optional Retirement Program within the prescribed 90 days is deemed to have elected to retain membership in the Florida Retirement System.

(c) With respect to eligible employees who become eligible to participate in the Regular Class Optional Retirement Program by reason of a change in eligibility status occurring on or after July 1, 2001:

1. Upon a change in eligibility status, the employer must provide written notice to the employee stating that, due to the change in eligibility status, the employee has the option to participate in the Regular Class Optional Retirement Program in lieu of retaining membership in the Florida Retirement System Regular Class, if he or she exercises the option within 90 days after the notification date.

2. Any such employee may, within 90 days after the notification date, elect to participate in the Regular Class Optional Retirement Program. The employee's election must be made in writing and must be filed with the personnel officer of the employer. If the employee files an election to participate in the Regular Class Optional Retirement Program within the prescribed 90 days, enrollment in the optional program will be effective on the first day of the month for which a full month's employer contribution is made to the optional program.

3. Any such employee who fails to elect to participate in the Regular Class Optional Retirement Program within the prescribed 90 days is deemed to have elected to retain membership in the Florida Retirement System.

(d) The provisions of paragraph (a), paragraph (b), or paragraph (c) to the contrary notwithstanding:

1. Any eligible employee who elects to participate in the Regular Class Optional Retirement Program but fails to execute a contract with one of the approved providers within 90 days after enrollment in the optional program, or who fails to properly notify, within the prescribed 90 days, the division that such contract has been executed, shall be deemed to have executed an annuity contract with the State Board of Administration, and all appropriate contributions shall be transferred to the State Board of Administration for allocation to the participant's account.

2. Any participant of the Regular Class Optional Retirement Program who, before executing the required contract and notifying the division, terminates employment or otherwise experiences a change in eligibility status such that he or she is no longer eligible to participate in the optional program is deemed to have elected membership in the Florida Retirement System. Such membership is retroactive to the date of enrollment, and all appropriate contributions will be made to the Florida Retirement System Trust Fund and the Health Insurance Subsidy Trust Fund.

(e) The election to participate in the Regular Class Optional Retirement Program is irrevocable for as long as the employee holds a position eligible for participation in the optional program and otherwise continues to meet the requirements of this section.

(5) CONTRIBUTIONS.—

(a)1. Each employer shall contribute on behalf of each participant in the Regular Class Optional Retirement Program an amount equal to 8.21 percent of the employee's gross salary. The employer shall forward to the division the required contributions for each participant of the optional program, and the division shall forward the contributions to the designated providers contracting for payment of benefits for the participant, less an amount approved by the Legislature, which shall be deducted by the division to provide for the administration of the program. However, such contributions may not be forwarded to a provider and do not begin to accrue interest until the employee has executed a contract and notified the division.

2. Contributions by each employer and each participant which are required for social security coverage under the federal Social Security Act must be maintained for each participant in the Regular Class Optional Retirement Program, in addition to the retirement contributions specified in this subsection.

(b) Each participant in the Regular Class Optional Retirement Program who has executed a contract may contribute, on a posttax basis, to his or her account under the Regular Class Optional Retirement Program, subject to federal requirements applicable to defined-contribution plans under s. 401(a) of the Internal Revenue Code. Interest and investment earnings on such contributions will accrue on a tax-deferred basis until the proceeds are distributed. Participant contributions shall be made by way of salary deduction, undertaken by written agreement between the participant and his or her employer, and may not exceed the amount contributed by the employer on behalf of the participant. The employer shall forward to the division the designated contributions for each participant of the optional program, and the division shall forward the contributions to the designated approved provider or providers contracting for payment of benefits for the participant under the program.

Contributions made under the optional program shall be deposited in the Regular Class Optional Retirement Program Trust Fund established in the State Treasury and administered by the Division of Retirement, and payments shall be made therefrom to the approved providers on behalf of the Regular Class Optional Retirement Program participants.

(c) If a participant in the Regular Class Optional Retirement Program has the opportunity, through his or her employer, to participate in a tax sheltered annuity plan authorized under s. 403(b) of the United States Internal Revenue Code, a deferred compensation plan authorized under s. 457 of the United States Internal Revenue Code, or a cash or deferred arrangement available pursuant to s. 401(k) of the United States Internal Revenue Code, the participant may, through salary reduction or deduction, contribute on a pre-tax basis to such other plan, subject to federal limitations.

(d) Employers are responsible for notifying participants regarding maximum contribution levels permitted under the Internal Revenue

Code. Individual participants are responsible for monitoring their own employee contributions to the Regular Class Optional Retirement Program, and employer contributions made on their behalf, to ensure that contribution totals do not exceed federally permitted maximums. If a participant contributes to any other tax-deferred plan as provided under paragraph (c), he or she is responsible for ensuring that total contributions made to the optional program and to any other such plan do not exceed federally permitted maximums.

(6) **VESTING REQUIREMENTS.**—A participant will be fully or partially vested in the Regular Class Optional Retirement Program only upon execution of a contract with an approved provider. Subject thereto:

(a) With respect to participant contributions, plus interest and earnings thereon, participants are fully and immediately vested.

(b) With respect to employer contributions made on behalf of the participant, plus interest and earnings thereon, credit toward vesting under the optional program shall be gradually earned, as follows:

1. A participant who completes 2 years of service under the optional program shall be considered to be 20-percent vested and is entitled to receive an employer-funded benefit based on 20 percent of the employer contributions made to the participant's account, plus interest and earnings thereon.

2. A member who completes 3 years of service under the optional program shall be considered to be 40-percent vested and is entitled to receive an employer-funded benefit based on 40 percent of the employer contributions made to the participant's account, plus interest and earnings thereon.

3. A member who completes 4 years of service under the optional program shall be considered to be 60-percent vested and is entitled to receive an employer-funded benefit based on 60 percent of the employer contributions made to the participant's account, plus interest and earnings thereon.

4. A member who completes 5 years of service under the optional program shall be considered to be 80-percent vested and is entitled to receive an employer-funded benefit based on 80 percent of the employer contributions made to the participant's account, plus interest and earnings thereon.

5. Any member who completes 6 years of service under the optional program shall be considered to be 100-percent vested, or fully vested, and is entitled to receive an employer-funded benefit based on 100 percent of the employer contributions made to the participant's account, plus interest and earnings thereon.

(7) **BENEFITS.**—Under the Regular Class Optional Retirement Program:

(a) Benefits shall be provided through individual contracts, or individual certificates issued for group contracts, in accordance with s. 401(a) of the Internal Revenue Code.

(b) Benefits shall accrue in individual accounts that are participant-directed, portable, and funded by employer and employee contributions and earnings thereon.

(c) Benefits shall be payable in accordance with the following terms and conditions:

1. Benefits shall be payable only to a fully or partially vested participant as provided in subsection (6), or to his or her beneficiaries as designated by the participant in the contract with an approved provider.

2. Benefits shall be paid only by the designated approved provider in accordance with the terms of the contracts applicable to the participant.

3. To begin receiving the employer-funded benefits, the participant must be terminated from all employment with all Florida Retirement System employers, as provided in s. 121.021(39). If a participant elects to receive his or her employer-funded benefits upon termination of employment, in accordance with the terms and conditions of the applicable provider contract, the participant must submit a written application to the division indicating his or her preferred distribution date and selecting an authorized method of distribution as provided in paragraph (d).

The division shall forward a copy of such application to each approved provider with which the participant has a contractual relationship under the optional program. The participant may defer receipt of employer-funded benefits until he or she chooses to make such application.

4. Benefits funded by the participant's personal contributions may be paid out by an approved provider, within the limits provided in the contract between the participant and the provider, subject to federal requirements. The participant shall notify the provider regarding the preferred payment date, the amount to be paid out, and the provisions under which he or she wants to receive such benefits. Payment of participant-funded benefits may be deferred until the participant chooses to provide such notice.

5. In the event of a participant's death, moneys accumulated by or on behalf of the participant, less withholding taxes remitted to the Internal Revenue Service, will be distributed to the participant's designated beneficiary or beneficiaries, or to the participant's estate, as if the participant retired on the date of death, as provided in paragraph (e). No other death benefits will be available for survivors of participants under the Regular Class Optional Retirement Program, except for such benefits, or coverage for such benefits, as are separately afforded by the employer, in the employer's discretion.

(d) Upon receipt by the division of a properly executed application for distribution of benefits, the total accumulated employer-funded benefit shall be payable to the participant, as:

1. A lifetime annuity payable to the participant. This payment option is not available in the case of a *de minimis* account;

2. A cash-out of a *de minimis* account of \$5,000 or less, in accordance with rules adopted by the division; or

3. A direct rollover distribution whereby all accrued benefits, plus interest and investment earnings, are paid from the participant's account directly to the custodian of an eligible retirement plan, as defined in s. 402(c)(8)(B) of the Internal Revenue Code, on behalf of the participant.

(e) Survivor benefits shall be payable as:

1. A lifetime annuity payable to the deceased participant's designated beneficiaries. This payment option is not available in the case of a *de minimis* account;

2. A lump-sum distribution payable to the beneficiaries, or to the deceased participant's estate;

3. An eligible rollover distribution on behalf of the surviving spouse of a deceased participant, whereby all accrued benefits, plus interest and investment earnings, are paid from the deceased participant's account directly to the custodian of an individual retirement account or an individual retirement annuity, as described in s. 402(c)(9) of the Internal Revenue Code, on behalf of the surviving spouse; or

4. A partial lump-sum payment whereby a portion of the accrued benefit is paid to the deceased participant's surviving spouse or other designated beneficiaries, less withholding taxes remitted to the Internal Revenue Service, and the remaining amount is transferred directly to the custodian of an individual retirement account or an individual retirement annuity, as described in s. 402(c)(9) of the Internal Revenue Code, on behalf of the surviving spouse. The proportions must be specified by the participant or the surviving spouse.

This paragraph does not abrogate other applicable provisions of state or federal law providing for payment of death benefits.

(f) The benefits payable to any person under the Regular Class Optional Retirement Program, and any contributions accumulated under such program, are not subject to assignment, execution, attachment, or any legal process, except for qualified domestic-relations orders by a court of competent jurisdiction, income-deduction orders as provided in s. 61.1301, and federal income tax levies.

(8) **ADMINISTRATION OF PROGRAM.**—

(a) The Regular Class Optional Retirement Program authorized by this section shall be administered by the division and affected employer agencies. The division shall adopt rules establishing the role and respon-

sibilities of affected state and local government agencies in administering the Regular Class Optional Retirement Program.

(b)1. The division may select and contract with a third-party administrator to provide administrative services, including, but not limited to, services relating to: consolidated billing; individual and collective record-keeping and accounting; asset purchase, control, and safekeeping; and direct disbursement of funds to and from approved providers, employers, participants, and beneficiaries.

2. The division shall also select and contract with a third-party organization to develop and disseminate educational materials and provide educational services to employers, eligible employees, participants, and beneficiaries in order to maintain compliance with United States Department of Labor regulations under section 404(c) of the Employee Retirement Income Security Act of 1974 and to assist employees in their choice of defined-benefit or defined-contribution retirement alternatives. Such materials and services may include, but are not limited to, providing retirement-planning education; explaining the differences between the defined-benefit retirement plan and the defined-contribution retirement plan; and offering financial-planning guidance on matters such as investment diversification, investment risks, investment costs, and asset allocation. An approved provider may not perform this function, but may provide information concerning its products and services.

As a cost of administration, the division may compensate any such contractor for its services, in accordance with the terms of the contract, as is deemed necessary or proper by the division and the contractor.

(c) The division may authorize an approved provider to make direct disbursement of funds under the optional program to a participant or other beneficiary.

(9) INVESTMENT PROVIDERS; INVESTMENT OPTIONS OR PRODUCTS; PERFORMANCE REVIEW.—

(a) The division shall develop policy and procedures for selecting investment providers and products from which contracts may be purchased under the program. The State Board of Administration may advise the division and make recommendations with regard to selecting investment providers and products under subsection (11). In accordance with such policy and procedures, the division shall, through a competitive-bidding process, designate up to nine providers, one of which may be the State Board of Administration, and shall approve the form and content of all investment contracts. Potential provider companies may elect to submit competitive bids or proposals to serve only a specific segment of optional program participants, such as K-12 public school district employees, and nothing in this section shall prohibit the division from selecting one or more such providers as part of the nine providers.

(b) In evaluating and selecting private-sector provider companies and products for the Regular Class Optional Retirement Program, the division shall establish criteria under which it will consider the relative capabilities and qualifications of each proposed provider company. In developing such criteria, the division shall consider:

1. Experience in Florida and other states providing retirement annuities or trustee mutual fund arrangements or other retirement products and related financial services under defined-contribution pension plans.

2. Financial strength and stability which shall be evidenced by the highest ratings assigned by nationally recognized rating services, when comparing proposed providers that are so rated.

3. Intrastate and interstate portability of the product offered, including early withdrawal options.

4. Compliance with the Internal Revenue Code.

5. The cost-effectiveness of the products provided, and the levels of service supporting them, relative to their benefits and their characteristics, including, without limitation, the level of risk borne by the provider.

6. The provider company's ability and willingness to coordinate its activities with Florida Retirement System employers and the division, and to supply to such employers and the division the information and data they require.

7. The methods available to participants to interact with the provider company, including the means by which participants may access account

information, direct investment of contributions, make changes to their accounts, transfer moneys between available investment vehicles, and transfer moneys between provider companies, and shall consider any fees that apply to such activities.

8. The provider company's policies with respect to the transfer of individual account balances, contributions, and earnings thereon, both internally among investment products offered by the provider company and externally between provider companies, as well as any fees, charges, reductions, or penalties that may be applied.

(d) The division shall consider investment options or products it considers appropriate to give participants the opportunity to accumulate retirement benefits, subject to the following:

1. The Regular Class Optional Retirement Program must offer a diversified mix of investment products.

2. Investment options or products offered by the group of approved providers may include mutual funds, group annuity contracts, individual retirement annuities, interests in trusts, and other such financial instruments.

(e) The division shall periodically review the performance of each approved provider and each approved product to ensure continued compliance with established selection criteria and with division policy and procedures. Providers or products may be terminated, subject to contract provisions.

(f) Contracts must be renegotiated every 8 years in order to provide new or different services or products.

(10) CONTRACT REQUIREMENTS.—The division shall ensure that each participant is provided a quarterly statement that accounts for the contributions made by and on behalf of such participants; the interest and investment earnings thereon; and any fees, penalties, or other deductions that apply thereto. At a minimum, such statements must:

1. Indicate the participant's self-directed investment options.

2. State the market value of the account at the close of the current quarter and previous quarter.

3. Show account gains and losses for the period.

4. Itemize account contributions for the quarter.

5. Indicate any account changes due to adjustment of contribution levels, reallocation of contributions, balance transfers, or withdrawals.

6. Set forth any fees, charges, penalties, and other deductions that apply to the account.

Investment providers shall provide annual summary reports to the division.

(11) STATE BOARD OF ADMINISTRATION TO PROVIDE ADVICE AND ASSISTANCE.—The State Board of Administration shall assist the division in implementing and administering the Regular Class Optional Retirement Program.

(a) At the request of the division, the board shall review proposals submitted by vendors seeking to become approved providers for the Regular Class Optional Retirement Program and shall submit to the division its recommendations regarding such vendors, based on:

1. An evaluation of specific investment products proposed to be offered, taking into account each product's track record in meeting its investment return objectives net of all related fees, expenses, and charges, including, but not limited to, investment management fees, loads, distribution and marketing fees, custody fees, recordkeeping fees, education fees, annuity expenses, and consulting fees; and

2. Organizational factors, including, but not limited to, financial solvency, organizational depth, and experience in providing institutional investment services.

(b) Once providers have been selected and approved, the board shall periodically review investment product performance and related organizational factors of the approved providers. The board shall advise the

division on the acceptability of all investment products proposed to be offered through contracts to the participants and may advise the division of any changes necessary to ensure that the Regular Class Optional Retirement Program offers a diversified mix of investment products.

(c) The State Board of Administration shall develop and submit to the division its recommendations regarding the form and content of contracts to be offered under the Regular Class Optional Retirement Program. In developing its recommendations, the board must consider:

1. The nature and extent of the rights and benefits to be afforded participants in relation to the required contributions under the program; and

2. The suitability of the rights and benefits to be afforded participants to the needs of the participants and the interests of employers in the recruitment and retention of eligible employees.

(d) The State Board of Administration shall review proposals submitted by vendors seeking to contract with the division to provide financial advice on retirement planning. The board shall evaluate such proposals based on an assessment of cost, product quality, independence from money-management organizations, and organizational factors, including, but not limited to, customer-service orientation, financial solvency, organizational depth, and experience in providing investment advisory and consulting services. Once a vendor is selected and approved for this purpose, the board shall periodically review the performance and organizational aspects of the approved contractor and shall submit to the division recommended changes necessary to ensure that program participants receive appropriate and cost-effective investment advice.

The Investment Advisory Council shall review any recommendations of the board prior to submittal to the division. The division shall make the final determination as to whether any investment provider or product, any contractor, or any and all contract provisions will be approved for the program. Upon the recommendation of the Board of Trustees of the State Board of Administration that it offer an optional retirement program that it administers, the Division of Retirement shall commission an independent third-party firm to conduct a review of the product to be offered so as to effect substantial compliance with the provisions of this subsection.

(12) FEDERAL REQUIREMENTS.—

(a) Provisions of this section shall be construed, and the Regular Class Optional Retirement Program shall be administered, so as to comply with the Internal Revenue Code, Title 26 U.S.C., and specifically with plan qualification requirements imposed on governmental plans under s. 401(a) of the Internal Revenue Code.

(b) Any section or provision of this chapter which is susceptible to more than one construction must be interpreted in favor of the construction most likely to satisfy requirements imposed by s. 401(a) of the Internal Revenue Code.

(c) Contributions payable under this section for any limitation year may not exceed the maximum amount allowable for qualified defined-contribution pension plans under applicable provisions of the Internal Revenue Code. If an employee who has elected to participate in the Regular Class Optional Retirement Program participates in any other plan that is maintained by the participating employer, benefits that accrue under the Regular Class Optional Retirement Program shall be considered primary for any aggregate limitation applicable under s. 415 of the Internal Revenue Code.

(13) INVESTMENT POLICY STATEMENT.—

(a) Investment products and providers selected for the regular class optional retirement system shall be in conformance with the Regular Class Optional Retirement System Investment Policy Statement, herein referred to as the "Statement," as developed by the executive director of the State Board of Administration, approved by the board, and submitted to the Division of Retirement. The Statement must include, among other items, the investment objectives of the Regular Class Optional Retirement System; manager selection and monitoring guidelines; and performance measurement criteria. As required from time to time, the executive director of the State Board of Administration may present recommended changes in the Statement to the board for approval.

(b) Prior to any recommended changes in the Statement being presented to the State Board of Administration, the executive director of the board shall present such changes to the Investment Advisory Council for review. The council shall present the results of its review to the board prior to the board's final approval of the Statement or changes in the Statement.

(14) STATEMENT OF FIDUCIARY STANDARDS AND RESPONSIBILITIES.—

(a) Investment of regular class optional retirement program assets shall be made for the sole interest and exclusive purpose of providing benefits to program participants and beneficiaries and defraying reasonable expenses of administering the program. The program's assets are to be invested with the care, skill, and diligence that a prudent person acting in a like manner would undertake. The performance of the above investment duties shall comply with the fiduciary standards set forth in the Employee Retirement Income Security Act of 1974 at 29 U.S.C. s. 1104(a)(1)(A) through (C). In case of conflict with other provisions of law authorizing investments, the investment and fiduciary standards set forth in this subsection shall prevail.

(b) The program's investment fiduciaries shall not be liable for losses to a participant's or beneficiary's account that result from the participant's or beneficiary's exercise of control. The assets of the regular class optional retirement program shall be maintained in compliance with the United States Department of Labor regulation under section 404(c) of the Employee Retirement Income Security Act of 1974 and all applicable laws governing the operation of the program.

Section 23. Subsection (2) of section 112.363, Florida Statutes, 1998 Supplement, is amended to read:

112.363 Retiree health insurance subsidy.—

(2) ELIGIBILITY FOR RETIREE HEALTH INSURANCE SUBSIDY.—A person who is retired under a state-administered retirement system, or a beneficiary who is a spouse or financial dependent entitled to receive benefits under a state-administered retirement system, is eligible for health insurance subsidy payments provided under this section; except that pension recipients under ss. 121.055(1)(b)2., 121.36, 121.40, 238.07(16)(a), and 250.22, recipients of health insurance coverage under s. 110.1232, or any other special pension or relief act shall not be eligible for such payments. Payment of the retiree health insurance subsidy shall be made only after coverage for health insurance for the retiree or beneficiary has been certified in writing to the Division of Retirement. Participation in a former employer's group health insurance program is not a requirement for eligibility under this section. However, participants in the State Community College System Optional Retirement Program as provided in s. 121.051(2)(c), the Senior Management Service Optional Annuity Program as provided in s. 121.055(6), and the State University System Optional Retirement Program as provided in s. 121.35 shall not receive the retiree health insurance subsidy provided in this section. The employer of such participant shall pay the contributions required in subsection (8) to the annuity program provided in s. 121.051(2)(c), s. 121.055(6)(d), or s. 121.35(4)(a), as applicable.

Section 24. In any solicitation or offer of coverage under an optional retirement program, a provider company shall be governed by the contract readability provisions of section 627.4145, Florida Statutes, notwithstanding section 627.4145(6)(c), Florida Statutes. In addition, all descriptive materials must be prepared under the assumption that the participant is an unsophisticated investor. Provider companies must maintain an internal system of quality assurance, have proven functional systems that are date-calculation compliant, and be subject to a due-diligence inquiry that proves their capacity and fitness to undertake service responsibilities.

Section 25. Paragraph (e) is added to subsection (3) of section 112.363, Florida Statutes, 1998 Supplement, to read:

112.363 Retiree health insurance subsidy.—

(3) RETIREE HEALTH INSURANCE SUBSIDY AMOUNT.—

(e) Beginning July 1, 2001, each eligible retiree or, if the retiree is deceased, his or her beneficiary who is receiving a monthly benefit from such retiree's account and who is a spouse, or a person who meets the definition of joint annuitant in s. 121.021(28), shall receive a monthly

retiree health insurance subsidy payment equal to the number of years of creditable service, as defined in s. 121.021(17), completed at the time of retirement multiplied by \$5. No eligible retiree or beneficiary may receive a subsidy payment of more than \$150 or less than \$30. If there are multiple beneficiaries, the total payment may not be greater than the payment to which the retiree was entitled.

Section 26. Subsections (29) and (45) of section 121.021, Florida Statutes, 1998 Supplement, are amended to read:

121.021 Definitions.—The following words and phrases as used in this chapter have the respective meanings set forth unless a different meaning is plainly required by the context:

(29) “Normal retirement date” means the first day of any month following the date a member attains one of the following statuses:

(a) If a Regular Class member, the member:

1. Completes 64 or more years of creditable service and attains age 62; or

2. Completes 30 years of creditable service, regardless of age, which may include a maximum of 4 years of military service credit as long as such credit is not claimed under any other system.

(b) If a Special Risk Class member, the member:

1. Completes 64 or more years of creditable service in the Special Risk Class and attains age 55;

2. Completes 25 years of creditable service in the Special Risk Class, regardless of age; or

3. Completes 25 years of creditable service and attains age 52, which service may include a maximum of 4 years of military service credit as long as such credit is not claimed under any other system and the remaining years are in the Special Risk Class.

(c) If a Senior Management Service Class member, the member:

1. Completes 67 years of creditable service in the Senior Management Service Class and attains age 62; or

2. Completes 30 years of any creditable service, regardless of age, which may include a maximum of 4 years of military service credit as long as such credit is not claimed under any other system.

(d) If an Elected State-County Officers' Class member, the member:

1. Completes 68 years of creditable service in the Elected State and County Officers' Class and attains age 62; or

2. Completes 30 years of any creditable service, regardless of age, which may include a maximum of 4 years of military service credit as long as such credit is not claimed under any other system.

“Normal retirement age” is attained on the “normal retirement date.”

(45)(a) “Vested” or “vesting” means the guarantee that a member is eligible to receive a future retirement benefit upon completion of the required years of creditable service for the employee's class of membership, even though the member may have terminated covered employment before reaching normal or early retirement date. Being vested does not entitle a member to a disability benefit; provisions governing entitlement to disability benefits are set forth under s. 121.091(4) based on a disability caused by an injury or disease that occurs after termination of covered employment.

(b) Effective July 1, 2001, a graded vesting system shall be implemented for the Florida Retirement System whereby any member who is employed in a regularly established position on or after July 1, 2001, will earn credit toward vesting as described in paragraph (a), as follows:

1. Any such member completing 2 years of creditable service shall be considered to be 20 percent vested and shall be entitled to a future benefit based on 20 percent of the retirement credit earned for his or her service.

2. Any such member completing 3 years of creditable service shall be considered to be 40 percent vested and shall be entitled to a future benefit based on 40 percent of the retirement credit earned for his or her service.

3. Any such member completing 4 years of creditable service shall be considered to be 60 percent vested and shall be entitled to a future benefit based on 60 percent of the retirement credit earned for his or her service.

4. Any such member completing 5 years of creditable service shall be considered to be 80 percent vested and shall be entitled to a future benefit based on 80 percent of the retirement credit earned for his or her service.

5. Any such member completing 6 years of creditable service shall be considered to be 100 percent vested, or fully vested as described in paragraph (a).

Inactive members will not be considered fully or partially vested solely by operation of the provisions of this paragraph. Any member who is not employed in a regularly established position on July 1, 2001, will be deemed partially or fully vested as provided in this paragraph only upon subsequent employment in a covered position for 1 work year, except that no member may be required to complete more years of creditable service than would have been required for that member to vest under retirement laws in effect before July 1, 2001.

Section 27. Paragraph (a) of subsection (7) of section 121.0515, Florida Statutes, 1998 Supplement, is amended to read:

121.0515 Special risk membership; criteria; designation and removal of classification; credits for past service and prior service; retention of special risk normal retirement date.—

(7) RETENTION OF SPECIAL RISK NORMAL RETIREMENT DATE.—

(a) A special risk member who is moved or reassigned to a nonspecial risk law enforcement, firefighting, or correctional administrative support position with the same agency, or who is subsequently employed in such a position with any law enforcement, firefighting, or correctional agency under the Florida Retirement System, shall participate in the Special Risk Administrative Support Class and shall earn credit for such service at the same percentage rate as that earned by a regular member. Notwithstanding the provisions of subsection (4), service in such an administrative support position shall, for purposes of s. 121.091, apply toward satisfaction of the special risk normal retirement date, as defined in s. 121.021(29)(b), provided that, while in such position, the member remains certified as a law enforcement officer, firefighter, or correctional officer; remains subject to reassignment at any time to a position qualifying for special risk membership; and completes an aggregate of 64 or more years of service as a designated special risk member prior to retirement.

Section 28. Paragraph (d) is added to subsection (5) of section 121.052, Florida Statutes, 1998 Supplement, and subsection (8) and paragraphs (b) and (c) of subsection (12) of that section are amended, to read:

121.052 Membership class of elected officers.—

(5) UPGRADED SERVICE; PURCHASE OF ADDITIONAL CREDIT.—

(d) Any member of the Florida Retirement System who serves as the elected mayor of a consolidated local government, which government by its charter has chosen status as a municipality rather than a county government for purposes of the state retirement system administered under this chapter, may elect membership in the Elected State and County Officers' Class established by this section for the duration of the term of office. Any such mayor or former mayor shall be eligible for membership in this class for the term of office, provided the member or the local government employer pays the retirement contributions that would have been paid had actual participation commenced at that time, plus interest at 6.5 percent compounded each June 30 from date of participation until date of payment. No retirement credit will be allowed under this subsection for any such service which is used to obtain a benefit under any local retirement system.

(8) NORMAL RETIREMENT DATE; VESTING REQUIREMENT.—A member of the Elected State and County Officers' Class shall have the same normal retirement date and vesting requirement as provided defined in s. 121.021(29) and (45) for a member of the regular class of the Florida Retirement System, except that only 8 years of creditable service in this class are needed to attain the normal retirement date

specified in s. 121.021(29)(a). Any public service commissioner who was removed from the Elected State Officers' Class on July 1, 1979, after attaining at least 8 years of creditable service in that class shall be considered to have reached the normal retirement date upon attaining age 62 as required in s. 121.021(29)(a).

(12) BENEFITS.—

(b) The benefit provisions of s. 121.091(2)-(6), (8), (9), and (11), relating to benefits payable for dual normal retirement ages, early retirement, disability retirement, termination benefits, optional forms of retirement, designation of beneficiaries, employment after retirement, and method of computing actuarial equivalent, respectively, shall also apply to members of the Elected State and County Officers' Class, ~~except that only 8 years of creditable service in this class are needed to attain the benefits specified in s. 121.091(3) and (5).~~ These provisions shall be construed in such manner as to make them compatible with the provisions of this section.

(c) The benefit provisions of s. 121.091(7), relating to death benefits, shall apply to members of the Elected State and County Officers' Class and shall be construed in such manner as to make them compatible with the provisions of this section; ~~however, only 8 years of creditable service in this class are needed to obtain such benefits,~~ except that:

1. If any elected official dies in office who would have been vested under the Elected State and County Officers' Class, any other class of the Florida Retirement System, or any other state-administered retirement system, if the official had lived to complete his or her term of office, the official's spouse may elect to leave the official's retirement contributions in the retirement trust fund and pay into said fund any required contributions which would have been paid by the officer or the employer had the officer lived to complete the term of office.

2. If a deceased member's surviving spouse as described in subparagraph 1. previously received a refund of the member's contributions made to the retirement trust fund, the surviving spouse may pay into the retirement trust fund an amount equal to the deceased member's contributions previously refunded, together with interest at 4 percent compounded annually on the amount of such refunded contributions from the date of refund until July 1, 1975, and at 6.5 percent compounded annually thereafter to the date of payment, plus such additional contributions as may be required under subparagraph 1., in order to become vested, as applicable.

Upon conclusion of the term of office to which the deceased officer was elected, a spouse who pays into the retirement trust fund such additional or refunded contributions, plus interest, shall be eligible to receive a monthly benefit in the same manner as the surviving spouse of a member who dies after accumulating the required number of years of creditable service as described herein.

Section 29. Paragraph (a) of subsection (1) of section 121.053, Florida Statutes, 1998 Supplement, is amended to read:

121.053 Participation in the Elected State and County Officers' Class for retired members.—

(1)(a) Any member who retired under any existing system as defined in s. 121.021(2), and receives a benefit thereof, and who serves in an office covered by the Elected State and County Officers' Class for a period of at least 6 8 years, shall be entitled to receive an additional retirement benefit for such elected officer service prior to July 1, 1990, under the Elected State and County Officers' Class of the Florida Retirement System, as follows:

1. Upon completion of 6 8 or more years of creditable service in an office covered by the Elected State and County Officers' Class, s. 121.052, such member shall notify the administrator of his or her intent to purchase elected officer service prior to July 1, 1990, and shall pay the member contribution applicable for the period being claimed, plus 4 percent interest compounded annually from the first year of service claimed until July 1, 1975, and 6.5 percent interest compounded annually thereafter, until full payment is made to the Florida Retirement System Trust Fund; however, such member may purchase retirement credit under the Elected State and County Officers' Class only for such service as an elected officer.

2. Upon payment of the amount specified in subparagraph 1., the employer shall pay into the Florida Retirement System Trust Fund the

applicable employer contribution for the period of elected officer service prior to July 1, 1990, being claimed by the member, plus 4 percent interest compounded annually from the first year of service claimed until July 1, 1975, and 6.5 percent interest compounded annually thereafter, until full payment is made to the Florida Retirement System Trust Fund.

Section 30. Paragraph (b) of subsection (4) of section 121.055, Florida Statutes, 1998 Supplement, is amended to read:

121.055 Senior Management Service Class.—There is hereby established a separate class of membership within the Florida Retirement System to be known as the "Senior Management Service Class," which shall become effective February 1, 1987.

(4)

(b) Service in an eligible position prior to February 1, 1987, or after January 31, 1987, shall satisfy the requirement of attaining the normal retirement date as defined in s. 121.021(29) for a Senior Management Service Class member, provided the employee is a member of the Senior Management Service Class after January 31, 1987. A member of this class who fails to complete 6 7 years of creditable service in an eligible position shall be required to satisfy the requirements for the normal retirement date for a regular member as provided in s. 121.021(29).

Section 31. Paragraph (i) of subsection (1) of section 121.081, Florida Statutes, 1998 Supplement, is amended to read:

121.081 Past service; prior service; contributions.—Conditions under which past service or prior service may be claimed and credited are:

(1)

(i) An employee of a state agency who was a member of a state-administered retirement system and who was granted educational leave with pay pursuant to a written educational leave-with-pay policy may claim such period of educational leave as past service subject to the following conditions:

1. The educational leave must have occurred prior to December 31, 1971;

2. The member must have completed at least 6 40 years of creditable service excluding the period of the educational leave;

3. The employee must have returned to employment with a state agency employer who participated in the retirement system, which return was immediately upon termination of the educational leave, and must have remained on the employer's payroll for at least 30 calendar days following the return to employment;

4. The employee must be a member of the Florida Retirement System at the time he or she claims such service;

5. Not more than 24 months of creditable service may be claimed for such period of educational leave with pay;

6. The service must not be claimed under any other state or federal retirement system; and

7. The member must pay to the retirement trust fund for claiming such past-service credit an amount equal to 8 percent of his or her gross annual salary immediately prior to the educational leave with pay for each year of past service claimed, plus 4 percent interest thereon compounded annually each June 30 from the first year of service claimed until July 1, 1975, and 6.5 percent interest thereafter on the unpaid balance compounded annually each June 30 until paid.

Section 32. Paragraphs (a) and (j) of subsection (4) of section 121.091, Florida Statutes, 1998 Supplement, are amended to read:

121.091 Benefits payable under the system.—Benefits may not be paid under this section unless the member has terminated employment as provided in s. 121.021(39)(a) or begun participation in the Deferred Retirement Option Program as provided in subsection (13), and a proper application has been filed in the manner prescribed by the division. The division may cancel an application for retirement benefits when the

member or beneficiary fails to timely provide the information and documents required by this chapter and the division's rules. The division shall adopt rules establishing procedures for application for retirement benefits and for the cancellation of such application when the required information or documents are not received.

(4) DISABILITY RETIREMENT BENEFIT.—

(a) Disability retirement; entitlement and effective date.—

1. A member who becomes totally and permanently disabled, as defined in paragraph (b), after completing 5 years of creditable service, or a member who becomes totally and permanently disabled in the line of duty regardless of service, shall be entitled to a monthly disability benefit; ~~except that any member with less than 5 years of creditable service on July 1, 1980, or any person who becomes a member of the Florida Retirement System on or after such date must have completed 10 years of creditable service prior to becoming totally and permanently disabled in order to receive disability retirement benefits for any disability which occurs other than in the line of duty. However, if a member employed on July 1, 1980, with less than 5 years of creditable service as of that date, becomes totally and permanently disabled after completing 5 years of creditable service and is found not to have attained fully insured status for benefits under the federal Social Security Act, such member shall be entitled to a monthly disability benefit.~~

2. If the division has received from the employer the required documentation of the member's termination of employment, the effective retirement date for a member who applies and is approved for disability retirement shall be established by rule of the division.

3. For a member who is receiving Workers' Compensation payments, the effective disability retirement date may not precede the date the member reaches Maximum Medical Improvement (MMI), unless the member terminates employment prior to reaching MMI.

(j) Disability retirement of justice or judge by order of Supreme Court.—

1. If a member is a justice of the Supreme Court, judge of a district court of appeal, circuit judge, or judge of a county court who has served for 640 years or more as an elected constitutional judicial officer, including service as a judicial officer in any court abolished pursuant to Art. V of the State Constitution, and who is retired for disability by order of the Supreme Court upon recommendation of the Judicial Qualifications Commission pursuant to the provisions of Art. V of the State Constitution, the member's Option 1 monthly benefit as provided in subparagraph (6)(a)1. shall not be less than two-thirds of his or her monthly compensation as of the member's disability retirement date. Such a member may alternatively elect to receive a disability retirement benefit under any other option as provided in paragraph (6)(a).

2. Should any justice or judge who is a member of the Florida Retirement System be retired for disability by order of the Supreme Court upon recommendation of the Judicial Qualifications Commission pursuant to the provisions of Art. V of the State Constitution, then all contributions to his or her account and all contributions made on his or her behalf by the employer shall be transferred to and deposited in the General Revenue Fund of the state, and there is hereby appropriated annually out of the General Revenue Fund, to be paid into the Florida Retirement System Fund, an amount necessary to pay the benefits of all justices and judges retired from the Florida Retirement System pursuant to Art. V of the State Constitution.

Section 33. Paragraph (b) of subsection (1) of section 121.1115, Florida Statutes, is amended to read:

121.1115 Purchase of retirement credit for out-of-state and federal service.—Effective January 1, 1995, a member of the Florida Retirement System may purchase creditable service for periods of public employment in another state and receive creditable service for such periods of employment. Service with the Federal Government, including any military service, may be claimed. Upon completion of each year of service earned under the Florida Retirement System, a member may purchase up to 1 year of retirement credit for his or her out-of-state service, subject to the following provisions:

(1) LIMITATIONS AND CONDITIONS.—To receive credit for the out-of-state service:

(b) The member must have completed a minimum of 640 years of creditable service under the Florida Retirement System, excluding out-of-state service and in-state service claimed and purchased under s. 121.1122.

Section 34. Paragraph (a) of subsection (2) of section 121.1122, Florida Statutes, 1998 Supplement, is amended to read:

121.1122 Purchase of retirement credit for in-state public service and in-state service in accredited nonpublic schools and colleges, including charter schools and charter technical career centers.—Effective January 1, 1998, a member of the Florida Retirement System may purchase creditable service for periods of certain public or nonpublic employment performed in this state, as provided in this section.

(2) LIMITATIONS AND CONDITIONS.—

(a) A member is not eligible to receive credit for in-state service under this section until he or she has completed 640 years of creditable service under the Florida Retirement System, excluding service purchased under this section and out-of-state service claimed and purchased under s. 121.1115.

Section 35. Paragraph (a) of subsection (1) of section 121.121, Florida Statutes, 1998 Supplement, is amended to read:

121.121 Authorized leaves of absence.—

(1) A member may purchase creditable service for up to 2 work years of authorized leaves of absence if:

(a) The member has completed a minimum of 640 years of creditable service, excluding periods for which a leave of absence was authorized;

(b) The leave of absence is authorized in writing by the employer of the member and approved by the administrator;

(c) The member returns to active employment performing service with a Florida Retirement System employer in a regularly established position immediately upon termination of the leave of absence and remains on the employer's payroll for 1 calendar month, except that a member who retires on disability while on a medical leave of absence shall not be required to return to employment. A member whose work year is less than 12 months and whose leave of absence terminates between school years is eligible to receive credit for the leave of absence as long as he or she returns to the employment of his or her employer at the beginning of the next school year and remains on the employer's payroll for 1 calendar month; and

(d) The member makes the required contributions for service credit during the leave of absence, which shall be 8 percent until January 1, 1975, and 9 percent thereafter of his or her rate of monthly compensation in effect immediately prior to the commencement of such leave for each month of such period, plus 4 percent interest until July 1, 1975, and 6.5 percent interest thereafter on such contributions, compounded annually each June 30 from the due date of the contribution to date of payment. Effective July 1, 1980, any leave of absence purchased pursuant to this section shall be at the contribution rates specified in s. 121.071 in effect at the time the leave is granted for the class of membership from which the leave of absence was granted; however, any member who purchased leave-of-absence credit prior to July 1, 1980, for a leave of absence from a position in a class other than the regular membership class, may pay the appropriate additional contributions plus compound interest thereon and receive creditable service for such leave of absence in the membership class from which the member was granted the leave of absence.

Section 36. *The Legislature finds that a proper and legitimate state purpose is served when employees and retirees of the state and of its political subdivisions, and the dependents, survivors, and beneficiaries of such employees and retirees, are extended the basic protections afforded by governmental retirement systems that provide fair and adequate benefits that are managed, administered, and funded in an actuarially sound manner, as required by Section 14 of Article X of the State Constitution and part VII of chapter 112, Florida Statutes. Therefore, the Legislature determines and declares that this act fulfills an important state interest.*

Section 37. *The Regular Class Optional Retirement Program created by this act shall be implemented beginning July 1, 2001, contingent upon*

the Division of Retirement receiving a favorable determination letter and a favorable private-letter ruling from the Internal Revenue Service before the end of the regular session of the Legislature held in 2001.

Section 38. Paragraph (b) of subsection (5) of section 121.091, Florida Statutes, is amended to read:

121.091 Benefits payable under the system.—Benefits may not be paid under this section unless the member has terminated employment as provided in s. 121.021(39)(a) or begun participation in the Deferred Retirement Option Program as provided in subsection (13), and a proper application has been filed in the manner prescribed by the division. The division may cancel an application for retirement benefits when the member or beneficiary fails to timely provide the information and documents required by this chapter and the division's rules. The division shall adopt rules establishing procedures for application for retirement benefits and for the cancellation of such application when the required information or documents are not received.

(5) TERMINATION BENEFITS.—

(b) A member whose employment is terminated for any reason other than death or retirement after becoming vested may elect to receive a deferred monthly benefit which shall begin to accrue on the first day of the month of normal or early retirement and shall be payable on the last day of that month and each month thereafter during his or her lifetime. The amount of monthly benefit shall be computed in the same manner as for a normal retirement benefit in accordance with subsection (1) or early retirement benefit in accordance with s. 121.021(30), but based on average monthly compensation and creditable service as of the date of termination, *which compensation shall be indexed from the date of termination to the date of retirement by 3 percent per annum.*

Section 39. Subsection (11) is added to section 216.136, Florida Statutes, 1998 Supplement, to read:

216.136 Consensus estimating conferences; duties and principals.—

(11) FLORIDA RETIREMENT SYSTEM ACTUARIAL ASSUMPTION CONFERENCE.—

(a) Duties.—*The Florida Retirement System Actuarial Assumption Conference shall by consensus develop official information with respect to the economic and noneconomic assumptions and funding methods of the Florida Retirement System necessary to perform the study. Such information shall include an analysis of the actuarial assumptions and actuarial methods and a determination of whether changes to the assumptions or methods need to be made due to experience changes or revised future forecasts.*

(b) PRINCIPALS.—*The principals of the conference shall include the budget director of the Office of Planning and Budgeting, the executive director of the State Board of Administration, the director of the Division of Retirement, the Coordinator of the Office of Economic and Demographic Research, the staff director of the Senate Committee on Budget, the executive director of the House of Representatives Fiscal Responsibility Council, the staff director of the Senate Committee on Governmental Oversight and Productivity, and the staff director of the House of Representatives Committee on Governmental Operations. The executive director of the State Board of Administration shall preside over sessions of the conference.*

Section 40. This act shall take effect July 1, 2001, except that this section and sections 22 and 37 shall take effect July 1, 1999; however, the Regular Class Optional Retirement Program created by this act shall not be implemented, nor shall the provisions of this act which provide for improved vesting and indexing of deferred benefits under the Florida Retirement System take effect, until legislation is enacted to properly fund such benefit improvements through adjustments to the contribution rates for the various membership classes of the Florida Retirement System, as required by Article X, Section 14, of the State Constitution. Also, the reenactment of subsection (6) of section 121.051, paragraph (a) of subsection (7) of section 121.052, paragraph (a) of subsection (3) of section 121.055, subsection (1) of section 121.071, subsection (12) of section 121.40, and subsections (11) and (12) of section 413.051, Florida Statutes, shall operate retroactively to June 7, 1996.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to state-administered retirement systems; amending s. 112.63, F.S.; providing for review and comment on local government retirement system actuarial valuation reports and impact statements on a triennial basis; clarifying the basis of required payments; amending s. 112.65, F.S.; modifying the limitation on benefits for service under more than one retirement system or plan; amending s. 121.011, F.S.; clarifying requirements related to consolidation of existing retirement systems and preservation of rights; amending s. 121.021, F.S.; redefining "creditable service" to conform the definition to existing law; clarifying creditable service provisions for certain school board employees; amending s. 121.031, F.S.; authorizing the Division of Retirement to adopt rules; creating the Florida Retirement System Actuarial Assumption Conference; providing for duties and members; reenacting s. 121.051(6), F.S., relating to Florida Retirement System membership status of blind vending facility operators; reenacting ss. 121.052(7)(a), 121.055(3)(a), and 121.071(1), F.S., relating to contribution rates; amending ss. 121.052, 121.055, and 121.071, F.S., changing contribution rates for specified classes and subclasses of the system; correcting an error; conforming provisions relating to de minimis accounts to federal law; amending s. 121.081, F.S.; clarifying provisions relating to past service and prior service; amending s. 121.091, F.S.; clarifying proof of disability requirements; modifying provisions relating to death benefits to permit purchase of certain retirement credit by joint annuitants; clarifying the contribution rate and interest required to be paid for such purchases; increasing the age at which a Special Risk Class Member must elect whether to participate in the Deferred Retirement Option Program; updating and correcting references; amending s. 121.122, F.S.; correcting a reference; amending 121.24, F.S.; authorizing the State Retirement Commission to adopt rules; amending s. 121.35, F.S.; conforming provisions relating to de minimis accounts to federal law; amending s. 121.40, F.S., to remove reemployment limitations and reenacting subsection (12), relating to contribution rates for the supplemental retirement program for the Institute of Food and Agricultural Sciences at the University of Florida; reenacting s. 413.051(11) and (12), F.S., relating to Florida Retirement System membership eligibility and retirement contribution payments for blind vending facility operators; amending ss. 175.071 and 185.06, F.S.; providing, with respect to the board of trustees for municipal firefighters' pension trust funds and municipal police officers' retirement trust funds that the board may invest in corporations on the National Market System of the Nasdaq Stock Market; repealing s. 121.027, F.S., amending s. 112.18, F.S.; providing presumptions that certain illnesses incurred by law enforcement officers are done so in the line of duty; relating to rulemaking authority for that act; requiring the Board of Trustees of the State Board of Administration to review the actuarial valuation of the Florida Retirement System; requiring the Board to review the process of retirement contribution rates and comment to the legislature; creating s. 121.36, F.S.; creating an optional retirement program for employees who are regular members of the Florida Retirement System; providing eligibility criteria; defining terms; providing that employees may participate in the optional retirement program in lieu of participating in the Florida Retirement System; providing for retention of retirement service credits; providing for transfer of the present value of accrued benefits under the Florida Retirement System; providing requirements for electing the optional program; providing for contributions to the optional program; prescribing vesting requirements; providing for payment of benefits; providing for the Division of Retirement of the Department of Management Services to administer the program; prescribing criteria for selecting investment providers and products and for investment options and products; providing for performance reviews; prescribing contract requirements; requiring that the State Board of Administration provide advice and assistance to the division and review proposals; providing for compliance with federal revenue laws; providing an investment policy statement; amending s. 112.363, F.S.; excluding participants from eligibility for certain health insurance subsidies; prescribing standards for contracts and descriptive materials; providing that the act fulfills an important state interest; amending s. 121.021, F.S.; modifying definitions to provide for 6-year graded vesting for all members; amending ss. 112.363, 121.0515, 121.052, 121.053, 121.055, 121.081, 121.091, 121.115, 121.122, 121.121, F.S., to conform; providing a contingency for implementation of the program; providing for indexing benefits for early terminators; increasing the employer contribution rate for members of the Regular Class of the Florida Retirement System; amending s. 216.136, F.S.; creating a Florida Retirement System Actuarial Assumption Conference; providing duties and principals; providing effective dates.

Senator Webster moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A (352268)(with title amendment)—On page 85, between lines 2 and 3, insert:

Section 40. Paragraph (c) is added to subsection (15) of section 121.021, Florida Statutes, 1998 Supplement, to read:

121.021 Definitions.—The following words and phrases as used in this chapter have the respective meanings set forth unless a different meaning is plainly required by the context:

(15)

(c) *Effective October 1, 1999, "special risk member" means a member of the Florida Retirement System who is designated as a special risk member by the division in accordance with s. 121.0515. Such member must be employed as a law enforcement officer, a firefighter, a correctional officer, an emergency medical technician, or a paramedic and must meet certain other special criteria as set forth in s. 121.0515.*

Section 41. Subsections (1) and (2) and paragraph (a) of subsection (7) of section 121.0515, Florida Statutes, 1998 Supplement, are amended to read:

121.0515 Special risk membership; criteria; designation and removal of classification; credits for past service and prior service; retention of special risk normal retirement date.—

(1) **LEGISLATIVE INTENT.**—In creating the Special Risk Class of membership within the Florida Retirement System, it is the intent and purpose of the Legislature to recognize that persons employed in certain categories of law enforcement, firefighting, and criminal detention, and emergency medical care positions are required as one of the essential functions of their positions to perform work that is physically demanding or arduous, or work that requires extraordinary agility and mental acuity, and that such persons, because of diminishing physical and mental faculties, may find that they are not able, without risk to the health and safety of themselves, the public, or their coworkers, to continue performing such duties and thus enjoy the full career and retirement benefits enjoyed by persons employed in other positions and that, if they find it necessary, due to the physical and mental limitations of their age, to retire at an earlier age and usually with less service, they will suffer an economic deprivation therefrom. Therefore, as a means of recognizing the peculiar and special problems of this class of employees, it is the intent and purpose of the Legislature to establish a class of retirement membership that awards more retirement credit per year of service than that awarded to other employees; however, nothing contained herein shall require ineligibility for special risk membership upon reaching age 55.

(2) **CRITERIA.**—A member, to be designated as a special risk member, must meet the following criteria:

(a) The member must be employed as a law enforcement officer and be certified, or required to be certified, in compliance with s. 943.1395; however, sheriffs and elected police chiefs shall be excluded from meeting the certification requirements of this paragraph. In addition, the member's duties and responsibilities must include the pursuit, apprehension, and arrest of law violators or suspected law violators; or the member must be an active member of a bomb disposal unit whose primary responsibility is the location, handling, and disposal of explosive devices; or the member must be the supervisor or command officer of a member or members who have such responsibilities; provided, however, administrative support personnel, including, but not limited to, those whose primary duties and responsibilities are in accounting, purchasing, legal, and personnel, shall not be included;

(b) The member must be employed as a firefighter and be certified, or required to be certified, in compliance with s. 633.35 and be employed solely within the fire department of the employer or agency of state government. In addition, the member's duties and responsibilities must include on-the-scene fighting of fires or direct supervision of firefighting units, or the member must be the supervisor or command officer of a member or members who have such responsibilities; provided, however, administrative support personnel, including, but not limited to, those whose primary duties and responsibilities are in accounting, purchasing, legal, and personnel, shall not be included; or

(c) The member must be employed as a correctional officer and be certified, or required to be certified, in compliance with s. 943.1395. In addition, the member's primary duties and responsibilities must be the custody, and physical restraint when necessary, of prisoners or inmates within a prison, jail, or other criminal detention facility, or while on work detail outside the facility, or while being transported; or the member must be the supervisor or command officer of a member or members who have such responsibilities; provided, however, administrative support personnel, including, but not limited to, those whose primary duties and responsibilities are in accounting, purchasing, legal, and personnel, shall not be included; however, superintendents and assistant superintendents shall participate in the Special Risk Class; or

(d) *The member must be employed by a licensed Advance Life Support (ALS) or Basic Life Support (BLS) employer as an emergency medical technician or a paramedic and be certified in compliance with s. 401.27. In addition, the member's primary duties and responsibilities must include on-the-scene emergency medical care. However, administrative support personnel, including, but not limited to, those whose primary responsibilities are in accounting, purchasing, legal, and personnel, shall not be included.*

(7) **RETENTION OF SPECIAL RISK NORMAL RETIREMENT DATE.**—

(a) A special risk member who is moved or reassigned to a nonspecial risk law enforcement, firefighting, or correctional, or emergency medical care administrative support position with the same agency, or who is subsequently employed in such a position with any law enforcement, firefighting, or correctional, or emergency medical care agency under the Florida Retirement System, shall participate in the Special Risk Administrative Support Class and shall earn credit for such service at the same percentage rate as that earned by a regular member. Notwithstanding the provisions of subsection (4), service in such an administrative support position shall, for purposes of s. 121.091, apply toward satisfaction of the special risk normal retirement date, as defined in s. 121.021(29)(b), provided that, while in such position, the member remains certified as a law enforcement officer, firefighter, or correctional officer, emergency medical technician, or paramedic, remains subject to reassignment at any time to a position qualifying for special risk membership; and completes an aggregate of 10 or more years of service as a designated special risk member prior to retirement.

Section 42. *The Legislature finds that a proper and legitimate state purpose is served when employees and retirees of the state and of its political subdivisions, and the dependents, survivors, and beneficiaries of such employees and retirees, are extended the basic protections afforded by governmental retirement systems that provide fair and adequate benefits and that are managed, administered, and funded in an actuarially sound manner, as required by s. 14 of Art. X of the State Constitution and part VII of chapter 112 of the Florida Statutes. Therefore, the Legislature hereby determines and declares that the provisions of this act fulfill an important state interest.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 89, line 22, after the semicolon (;) insert: amending s. 121.021, F.S.; redefining the term "special risk member"; amending s. 121.0515, F.S.; adding to the Special Risk Class of membership certain emergency medical technicians and paramedics; providing legislative intent;

Amendment 1 as amended was adopted.

On motion by Senator Webster, by two-thirds vote **HB 1883** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Clary	Gutman	Kurth
Bronson	Cowin	Hargrett	Latvala
Brown-Waite	Dawson-White	Holzendorf	Laurent
Burt	Diaz-Balart	Horne	Lee
Campbell	Dyer	Jones	Meek
Carlton	Forman	King	Mitchell
Casas	Geller	Kirkpatrick	Myers
Childers	Grant	Klein	Rossin

Saunders	Sebesta	Sullivan	Webster
Scott	Silver	Thomas	

Nays—None

On motion by Senator Webster, by two-thirds vote **HB 415** was withdrawn from the Committees on Criminal Justice and Fiscal Policy.

On motion by Senator Webster, by two-thirds vote—

HB 415—A bill to be entitled An act relating to optical discs; providing definitions; requiring certain manufacturers of optical discs to mark the discs with certain information; providing penalties for failure to comply; prohibiting certain activities involving unmarked discs or discs on which the mark is altered; providing penalties; prohibiting certain activities involving altering such marks; providing penalties; providing an effective date.

—a companion measure, was substituted for **CS for SB 1308** and by two-thirds vote read the second time by title. On motion by Senator Webster, by two-thirds vote **HB 415** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Madam President	Dawson-White	Jones	Myers
Bronson	Diaz-Balart	King	Rossin
Brown-Waite	Dyer	Kirkpatrick	Saunders
Burt	Forman	Klein	Scott
Campbell	Geller	Latvala	Sebesta
Carlton	Grant	Laurent	Silver
Casas	Gutman	Lee	Sullivan
Childers	Hargrett	McKay	Thomas
Clary	Holzendorf	Meek	Webster
Cowin	Horne	Mitchell	

Nays—None

SPECIAL ORDER CALENDAR, continued

On motion by Senator Horne—

CS for SB 1474—A bill to be entitled An act relating to education; creating professional development academies to meet the human resource development needs of professional educators, schools, and school districts; providing that appropriated funds must be allocated by the Commissioner of Education unless otherwise provided in the appropriations act; providing eligibility requirements for start-up funds; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1474** was placed on the calendar of Bills on Third Reading.

On motion by Senator Sullivan—

SB 664—A bill to be entitled An act relating to postsecondary education; providing legislative findings and intent; creating the site-determined baccalaureate degree access program; authorizing funding; providing for participation by community colleges and 4-year postsecondary institutions; specifying duties of the Postsecondary Education Planning Commission; specifying funding levels; requiring program reviews and evaluation; providing an effective date.

—was read the second time by title.

The Committee on Education recommended the following amendment which was moved by Senator Sullivan and adopted:

Amendment 1 (923552)—On page 3, line 5, delete “*local*” and insert: *regional*

Senator Sullivan moved the following amendments which were adopted:

Amendment 2 (485080)(with title amendment)—On page 2, line 5, after the period (.) insert: *Funds may not be used to support the construction, renovation, or remodeling of facilities.*

And the title is amended as follows:

On page 1, line 5, after the second semicolon (;) insert: providing requirements for the use of such funds;

Amendment 3 (841190)—On page 3, line 18, after “*System*” insert: *and any independent, regionally accredited, 4-year institution that is chartered in, and has its primary campus located in Florida*

Pursuant to Rule 4.19, **SB 664** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Sullivan, by two-thirds vote **CS for HB 417** was withdrawn from the Committee on Regulated Industries.

On motion by Senator Sullivan, by two-thirds vote—

CS for HB 417—A bill to be entitled An act relating to real estate brokers and salespersons; amending s. 475.01, F.S.; eliminating the definition of the term “first contact”; amending s. 475.011, F.S.; providing a regulatory exemption for certain registered securities dealers and financial institutions in connection with certain transactions; amending s. 475.181, F.S.; referencing certification requirements of the Florida Real Estate Commission for licensure as a broker or salesperson; amending s. 475.25, F.S.; providing a ground for discipline relating to designation of salespersons as single agents for different customers in certain transactions; providing penalties; conforming cross references; amending s. 475.272, F.S.; revising intent of the Brokerage Relationship Disclosure Act to eliminate required disclosure of nonrepresentation; amending ss. 475.274 and 475.2755, F.S.; conforming cross references; repealing s. 475.276, F.S., relating to notice of nonrepresentation; amending s. 475.278, F.S.; requiring notice relating to disclosure of information prior to engaging in an authorized brokerage relationship; providing applicability or nonapplicability of brokerage relationship disclosure requirements to various real estate transactions; amending s. 475.2801, F.S.; removing a cross reference, to conform; amending ss. 475.482 and 475.483, F.S.; revising eligibility requirements for recovery from the Real Estate Recovery Fund; amending s. 475.5015, F.S.; removing a cross reference, to conform; providing an effective date.

—a companion measure, was substituted for **CS for SB 1072** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 417** was placed on the calendar of Bills on Third Reading.

CS for SB 2522—A bill to be entitled An act relating to reinsurance; amending s. 624.610, F.S.; setting the conditions for the allowance of credit for reinsurance; providing definitions; providing that the provisions of s. 120.60, F.S., do not apply to accreditation applications or procedures; providing for grounds for denial or revocation of an assuming insurer’s accreditation; providing criteria for the disallowance of credit for reinsurance for a ceding insurer; providing for the payment of costs and expenses; providing conditions for the allowance or disallowance of credit for reinsurance for assuming insurers maintaining trust funds in qualified United States financial institutions; providing intent that there is no conflict with arbitration agreements; providing for security; providing for the inclusion of certain health maintenance organizations within the term “ceding insurer”; providing conditions for the disallowance of credit with respect to a ceding domestic insurer; providing conditions for credit for reinsurance in cases of insolvency; providing for rights against a reinsurer; providing prohibitions applying to authorized insurers, other than certain surplus lines insurance; providing procedures and information required for a summary statement of each treaty; providing for exemptions from requirement of summary statements; providing for waiver; providing for cancellation; providing that there is no credit when there is no transfer of risk; granting authority to the Department of Insurance for rulemaking; providing an effective date for the application of cessions; providing an effective date.

—was read the second time by title.

Senator Holzendorf moved the following amendment which was adopted:

Amendment 1 (231604)(with title amendment)—On page 4, delete lines 13-15

And the title is amended as follows:

On page 1, delete lines 5-7 and insert: definitions; providing for

Senator Holzendorf moved the following amendment:

Amendment 2 (091126)(with title amendment)—On page 16, between lines 20 and 21, insert:

Section 2. Section 626.923, Florida Statutes, is amended to read:

626.923 Filing copy of policy or certificate.—A surplus lines agent shall, within 30 days after the date of a request by the department or the Florida Surplus Lines Service Office, furnish the department an exact copy of any and all requested policies, including applications, certificates, cover notes, or other forms of confirmation of insurance coverage or any substitutions thereof or endorsements thereto. The department or the Florida Surplus Lines Service Office may also request and the agent shall furnish, within 30 days after the date of the request, the agent's memorandum as to the substance of any change represented by a substitute certificate, cover note, other form of confirmation of insurance coverage, or endorsement as compared with the coverage as originally placed or issued.

Section 3. Section 626.930, Florida Statutes, is amended to read:

626.930 Records of surplus lines agent.—

(1) Each surplus lines agent shall keep in his or her office in this state a full and true record for a period of 5 years of each surplus lines contract, including applications and all certificates, cover notes, and other forms of confirmation of insurance coverage and any substitutions thereof or endorsements thereto relative to said contract procured by the agent and showing such of the following items as may be applicable:

- (a) Amount of the insurance and perils insured against;
- (b) Brief general description of property insured and where located;
- (c) Gross premium charged;
- (d) Return premium paid, if any;
- (e) Rate of premium charged upon the several items of property;
- (f) Effective date of the contract, and the terms thereof;
- (g) Name and post office address of the insured;
- (h) Name and home-office address of the insurer;
- (i) Amount collected from the insured; and
- (j) Other information as may be required by the department.

(2) The record shall at all times be open to examination by the department or the Florida Surplus Lines Service Office without notice and shall be so kept available and open to the department for 5 years next following expiration or cancellation of the contract.

(3) Each surplus lines agent shall maintain all surplus lines business records in his or her general lines agency office, if licensed as a general lines agent, or in his or her managing general agency office, if licensed as a managing general agent or the full-time salaried employee of such general agent.

Section 4. Section 626.931, Florida Statutes, is amended to read:

626.931 Quarterly report.—

(1) Each surplus lines agent shall on or before the end of the month next following each calendar quarter file with the Florida Surplus Lines Service Office an affidavit, on forms as prescribed and furnished by the Florida Surplus Lines Service Office, stating that a verified report of all surplus lines insurance transacted by him or her during such calendar quarter has been submitted to the Florida Surplus Lines Service Office as required.

(2) The reports and supporting information shall be in a computer-readable format as determined by the Florida Surplus Lines Service Office department or shall be submitted on forms prescribed by the department and shall show:

- (a) Aggregate gross premiums charged;
- (b) Aggregate of returned premiums and taxes paid to insureds;
- (c) Aggregate of net premiums;
- (d) A listing of all policies, certificates, cover notes, or other forms of confirmation of insurance coverage or any substitutions thereof or endorsements thereto; and
- (e) Additional information as required by the department or Florida Surplus Lines Service Office.

(3) The report shall include the affidavit of the surplus lines agent, on forms as prescribed and furnished by the Florida Surplus Lines Service Office department, as to efforts made to place coverages with authorized insurers and the results thereof.

(4) Each foreign insurer accepting premiums which are subject to taxes and which are described in this section shall, on or before the end of the month following each calendar quarter, file with the Florida Surplus Lines Service Office a verified report of all surplus lines insurance transacted by such insurer for insurance risks located in this state during such calendar quarter.

(5) Each alien insurer accepting premiums which are subject to taxes and which are described in this section shall, on or before June 30 of each year, file with the Florida Surplus Lines Service Office a verified report of all surplus lines insurance transacted by such insurer for insurance risks located in this state during the preceding calendar year, provided the first such report shall be with respect to calendar year 1999 1994.

(6) The Insurance Commissioner shall have the authority to waive the filing requirements described in subsections (4) and (5).

(7) Each insurer's report and supporting information shall be in a computer-readable format as determined by the Florida Surplus Lines Service Office department or shall be submitted on forms prescribed by the Florida Surplus Lines Service Office department and shall show for each applicable agent:

- (a) The aggregate gross Florida premiums charged;
- (b) The aggregate of returned Florida premiums;
- (c) The aggregate of net Florida premiums;
- (d) A listing of all policies, certificates, cover notes, or other forms of confirmation of insurance coverage or any substitutions thereof or endorsements thereto and the identifying number; and
- (e) Any additional information required by the department or Florida Surplus Lines Service Office.

Section 5. Section 626.932, Florida Statutes, is amended to read:

626.932 Surplus lines tax.—

(1) The premiums charged for surplus lines coverages are subject to a premium receipts tax of 5 percent of all gross premiums charged for such insurance. The surplus lines agent shall collect from the insured the amount of the tax at the time of the delivery of the cover note, certificate of insurance, policy, or other initial confirmation of insurance, in addition to the full amount of the gross premium charged by the insurer for the insurance. The surplus lines agent is prohibited from absorbing such tax or, as an inducement for insurance or for any other reason, rebating all or any part of such tax or of his or her commission.

(2)(a) The surplus lines agent shall make payable pay to the Florida Department of Insurance Florida Surplus Lines Service Office the tax related to each calendar quarter's business as reported to the Florida Surplus Lines Service Office, and remit the tax to the Florida Surplus Lines Service Office at the same time as provided for the filing of the quarterly affidavit report, under s. 626.931. The Florida Surplus Lines Service Office shall forward to the department the taxes and any interest collected pursuant to paragraph (b), within 10 days of receipt, along with a copy of the quarterly reports received.

(b) The agent shall pay interest on the amount of any delinquent tax due, at the rate of 9 percent per year, compounded annually, beginning the day the amount becomes delinquent.

(3) If a surplus lines policy covers risks or exposures only partially in this state, the tax payable shall be computed on the portion of the premium which is properly allocable to the risks or exposures located in this state.

(4) This section does not apply as to insurance of, or with respect to, vessels, cargo, or aircraft written under s. 626.917, or as to insurance of risks of the state government or its agencies, or of any county or municipality or of any agency thereof.

(5) The department shall deposit 55 percent of all taxes collected under this section to the credit of the Insurance Commissioner's Regulatory Trust Fund. Forty-five percent of all taxes collected under this section shall be deposited into the General Revenue Fund.

(6) For the purposes of this section, the term "premium" means the consideration for insurance by whatever name called and includes any assessment, or any membership, policy, survey, inspection, service, or similar fee or charge in consideration for an insurance contract, which items are deemed to be a part of the premium. The per-policy fee authorized by s. 626.916(4) is specifically included within the meaning of the term "premium." However, the service fee imposed pursuant to s. 626.9325 is excluded from the meaning of the term "premium."

Section 6. Section 626.933, Florida Statutes, is amended to read:

626.933 Collection of tax and service fee.—If the tax and service fee payable by a surplus lines agent under this Surplus Lines Law is not so paid within the time prescribed, the same shall be recoverable in a suit brought by the department against the surplus lines agent and the surety or sureties on the bond filed by the surplus lines agent under s. 626.928.

Section 7. Section 626.935, Florida Statutes, is amended to read:

626.935 Suspension, revocation, or refusal of surplus lines agent's license.—

(1) The department shall deny an application for, suspend, revoke, or refuse to renew the appointment of a surplus lines agent and all other licenses and appointments held by the licensee under this code, upon any of the following grounds:

- (a) Removal of the licensee's office from the state.
- (b) Removal of the accounts and records of his or her surplus lines business from this state during the period when such accounts and records are required to be maintained under s. 626.930.
- (c) Closure of the licensee's office for a period of more than 30 consecutive days.
- (d) Failure to make and file his or her quarterly reports when due as required by s. 626.931.
- (e) Failure to pay the tax and service fee on surplus lines premiums, as provided for in this Surplus Lines Law.
- (f) Failure to maintain the bond as required by s. 626.928.
- (g) Suspension, revocation, or refusal to renew or continue the license or appointment as a general lines agent, service representative, or managing general agent.
- (h) Lack of qualifications as for an original surplus lines agent's license.
- (i) Violation of this Surplus Lines Law.
- (j) For any other applicable cause for which the license of a general lines agent could be suspended, revoked, or refused under s. 626.611.

(2) The department may, in its discretion, deny an application for, suspend, revoke, or refuse to renew the license or appointment of any surplus lines agent upon any applicable ground for which a general lines agent's license could be suspended, revoked, or refused under s. 626.621.

(3) In the suspension or revocation of, or the refusal to issue or renew, the license or appointment of a surplus lines agent, the department shall follow the same procedures, as applicable, as provided for suspension, revocation, or refusal of licenses of general lines agents, but subject to s. 626.936 as to failure to file a quarterly report or pay the tax.

(4) The following sections also apply, to the extent so applicable, as to surplus lines agents:

- (a) Section 626.641.
- (b) Section 626.651.
- (c) Section 626.661.
- (d) Section 626.681.
- (e) Section 626.691.

Section 8. Section 626.936, Florida Statutes, is amended to read:

626.936 Failure to file reports ~~report~~ or pay tax or service fee; administrative penalty.—

(1) Any licensed surplus lines agent who neglects to file a report or a quarterly affidavit ~~report~~ in the form and within the time required or provided for in the Surplus Lines Law may be fined up to \$50 per day for each day the neglect continues, beginning the day after the report or quarterly affidavit ~~report~~ was due until the date the report is received by the Florida Surplus Lines Service Office ~~department~~. ~~All the department shall deposit all sums collected by it under this section shall be deposited~~ into the Insurance Commissioner's Regulatory Trust Fund.

(2) Any licensed surplus lines agent who neglects to pay the taxes and service fees as required under the Surplus Lines Law and within the time required may be fined up to \$500 per day for each day the failure to pay continues, beginning the day after the tax and service fees were due. The agent shall pay interest on the amount of any delinquent tax due, at the rate of 9 percent per year, compounded annually, beginning the day the amount becomes delinquent. The department shall deposit all sums collected by it under this section into the Insurance Commissioner's Regulatory Trust Fund.

Section 9. Section 626.9361, Florida Statutes, is amended to read:

626.9361 Failure to file report; administrative penalty.—Any eligible surplus lines insurer who fails to file a quarterly report in the form and within the time required or provided for in the Surplus Lines Law may be fined up to \$500 per day for each day such failure continues, beginning the day after the report was due, until the date the report is received by the Florida Surplus Lines Service Office ~~department~~. Failure to file a quarterly report may also result in withdrawal of eligibility as a surplus lines insurer in this state. All sums collected by the department under this section shall be deposited into the Insurance Commissioner's Regulatory Trust Fund.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 2 through page 2, line 6, delete those lines and insert: An act relating to insurance; amending s. 624.610, F.S.; setting the conditions for the allowance of credit for reinsurance; providing definitions; providing for grounds for denial or revocation of an assuming insurer's accreditation; providing criteria for the disallowance of credit for reinsurance for a ceding insurer; providing for the payment of costs and expenses; providing conditions for the allowance or disallowance of credit for reinsurance for assuming insurers maintaining trust funds in qualified United States financial institutions; providing intent that there is no conflict with arbitration agreements; providing for security; providing for the inclusion of certain health maintenance organizations within the term "ceding insurer"; providing conditions for the disallowance of credit with respect to a ceding domestic insurer; providing conditions for credit for reinsurance in cases of insolvency; providing for rights against a reinsurer; providing prohibitions applying to authorized insurers, other than certain surplus lines insurance; providing procedures and information required for a summary statement of each treaty; providing for exemptions from requirement of summary statements; providing for waiver; providing for cancellation; providing that there is no credit when there is no transfer of risk; granting authority to the Department of Insurance for rulemaking; providing an effective date for the application of cessions; amending ss. 626.923, 626.930, 626.931, 626.932, 626.933, 626.935, 626.936, and 626.9361, F.S.; revising the requirements for surplus lines insurance to provide the same authority to the Florida Surplus Lines Service Office that is currently provided to the Department of Insurance; providing an effective date.

On motion by Senator Holzendorf, further consideration of **CS for SB 2522** with pending **Amendment 2** was deferred.

On motion by Senator Bronson, the Senate resumed consideration of—

CS for SB 2540—A bill to be entitled An act relating to the commercial space industry; amending s. 196.012, F.S.; redefining the term “governmental purpose”; amending ss. 212.031, 212.08, F.S.; providing for exemptions from the tax on sales, use, and other transactions; revising the application of the sales tax exemption for machinery and equipment used to increase productive output with respect to such machinery and equipment used in connection with spaceport activities; amending s. 288.063, F.S.; authorizing the Spaceport Florida Authority to enter into contracts for transportation projects; amending s. 288.075, F.S.; adding the Spaceport Florida Authority to a list of economic development agencies whose records are confidential; amending s. 288.35, F.S.; redefining the term “government agency”; amending s. 288.9415, F.S.; authorizing the Spaceport Florida Authority to apply for international trade grants; amending s. 331.305, F.S.; authorizing Spaceport Florida Authority personnel to participate in specified education and training; amending s. 331.309, F.S.; providing that funds of the authority may be deposited with the Florida Commercial Space Financing Corporation; creating s. 331.3475, F.S.; providing for the Spaceport Facility Loan Guarantee Program; creating part III of ch. 331, F.S., the Florida Commercial Space Financing Corporation Act; providing findings and intent; providing definitions; creating the Florida Commercial Space Financing Corporation; specifying the functions the corporation is authorized to carry out; providing for a board of directors of the corporation and for qualifications and appointment of members; providing powers of the corporation and the board; providing for fees; providing for rules; providing for insurance, coinsurance, loan guarantees, and loans for eligible space-related transactions; directing the board to establish an account to receive specified resources; providing for deposits in the account and for allocation of the account’s resources; providing for appointment of a president of the corporation; providing powers and duties of the president; requiring an annual report; providing for development of a research design to evaluate the corporation; providing for a review and evaluation of the corporation by the Office of Program Policy Analysis and Government Accountability; providing for periodic reviews and reports by the Division of Banking; authorizing the Spaceport Florida Authority to pledge certain revenues to guarantee corporation loans; creating s. 331.365, F.S.; creating the Florida Space Industry and Research Facility Development Program within the Spaceport Florida Authority; providing that sales tax revenues collected at the Kennedy Space Center Visitor Complex and distributed to the authority shall be used to fund certain approved projects; providing duties of the Office of Tourism, Trade, and Economic Development; providing for audits; amending s. 212.20, F.S.; providing for distribution of the state taxes collected pursuant to ch. 212, F.S., at the Kennedy Space Center Visitor Complex to the Spaceport Florida Authority; providing for a minimum annual distribution; creating s. 331.367, F.S.; creating the Spaceport Management Council within the Spaceport Florida Authority; providing that the council shall make recommendations regarding specified areas; providing for an executive board and the membership thereof; providing for selection of members of the council’s Space Industry Committee; providing duties of the council; providing duties with respect to a spaceport master plan; providing for development and annual updating of a Spaceport Economic Development Plan; providing for development of certain training programs; providing that the council shall recommend projects to be funded pursuant to the Florida Space Industry and Research Facility Development Program; providing for review of such recommendations by the Department of Community Affairs and the Office of Tourism, Trade, and Economic Development; creating the Florida Space Research Institute; prescribing the purposes of the institute; providing for management and operation of the institute; requiring a report; providing an appropriation; providing an effective date.

—which was previously considered and amended this day. The question recurred on pending **Amendment 5** by the Committee on Fiscal Policy.

Senator Burt moved the following substitute amendment for **Amendment 5** which was adopted:

Amendment 17 (110654)(with title amendment)—On page 40, between lines 25 and 26, insert:

Section 16. *Florida Commercial Space Development Incentive Program.*—

(1)(a) *The Legislature finds that attracting, retaining, and providing favorable conditions for the growth of commercial space facilities provides widespread economic benefits to the public through high-quality employment opportunities in such facilities and in related facilities attracted to the state, through the increased tax base provided by such facilities and businesses in related sectors, through an enhanced entrepreneurial climate in the state and the resulting business and employment opportunities, and through the stimulation and enhancement of the state’s universities and community colleges. In the global economy, there exists serious and fierce international competition for commercial space facilities, and in most instances, when all available resources for economic development have been used, the state continues to encounter severe competitive disadvantages in vying for these high-impact business facilities.*

(b) *The Legislature therefore declares that sufficient resources shall be available to respond to such extraordinary economic opportunities and to compete effectively for these commercial space facilities and related businesses, including but not limited to facilities and businesses related to a reusable launch vehicle or similar space-transportation system.*

(2) *There is created within the Office of Tourism, Trade, and Economic Development the Florida Commercial Space Development Incentive Program.*

(3)(a) *Enterprise Florida, Inc., shall evaluate individual proposals for commercial space business facilities and forward recommendations regarding the use of moneys under the program for such facilities to the director of the Office of Tourism, Trade, and Economic Development. Such evaluation and recommendation must include, but need not be limited to:*

1. *A description of the type of facility, its business operation, and the product or service associated with the facility.*

2. *The number of full-time-equivalent jobs that will be created by the facility and the total estimated average annual wages of those jobs.*

3. *The cumulative amount of investment to be dedicated to the facility within a specified period.*

4. *A statement of any special impacts the facility is expected to stimulate in a particular business sector in the state or regional economy or in the state’s universities and community colleges.*

5. *A statement of environmental or regulatory issues involved with the project.*

6. *A statement in which Enterprise Florida, Inc., must indicate that in its best judgment the commercial space business facility project will not occur at the proposed site in Florida without the use of the incentive program.*

7. *A statement on the manner in which program funds will be used under the project.*

(b) *The business must have provided a performance bond that guarantees the creation of jobs for at least 10 years.*

(c) *The high-impact business facility must create at least 1,000 jobs, or create at least 300 jobs in a rural community or a distressed urban-core community. The jobs to be created must pay a wage that exceeds the average wage in the affected community by 20 percent, and the employer must provide a health-benefit package for employees.*

(3) *Upon receipt of the evaluation and recommendation from Enterprise Florida, Inc., the director shall recommend approval or disapproval of a project for receipt of funds under the Florida Commercial Space Development Incentive Program to the Governor. In recommending a commercial space business facility, the director shall include proposed performance conditions that the facility must meet to obtain incentive funds. The Governor shall consult with the President of the Senate and the Speaker of the House of Representatives before giving approval for a project.*

(4) *Upon approving a project, the Governor, through the director of the Office of Tourism, Trade, and Economic Development, shall initiate a budget amendment under chapter 216, Florida Statutes, requesting a specific amount for an approved project to be paid from the Working Capital Fund. The total amount of all approved projects in any one fiscal year shall not exceed \$10 million.*

(5)(a) Upon the approval of the budget amendment, the director of the Office of Tourism, Trade, and Economic Development and the commercial space business shall enter into a contract that sets forth the conditions for payment of moneys under this program. The contract must include the total amount of funds awarded; the performance conditions that must be met to obtain the award, including, but not limited to, net new employment in the state, average salary, and total capital investment; the methodology for validating performance; the schedule of payments under the program; the manner in which funds will be utilized; and sanctions for failure to meet performance conditions.

(b) Enterprise Florida, Inc., shall validate contractor performance. Such validation shall be reported within 6 months after completion of the contract to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

And the title is amended as follows:

On page 4, line 3, after the semicolon (;) insert: providing legislative findings and declarations with respect to the global competition that is encountered by the state in attracting commercial space business facilities; creating the Florida Commercial Space Development Incentive Program within the Office of Tourism, Trade, and Economic Development; requiring Enterprise Florida, Inc., to evaluate and recommend high-impact commercial space facilities eligible for a payment of moneys; providing eligibility criteria; requiring that such payments be approved by the Governor, following consultation with the President of the Senate and the Speaker of the House of Representatives; requiring initiation of a budget amendment to obtain funds from the Working Capital Fund; requiring reimbursement to the trust fund; providing certain requirements for the contract awarding moneys; requiring Enterprise Florida, Inc., to validate contractor performance; providing for a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives;

Pursuant to Rule 4.19, **CS for SB 2540** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Silver, the Senate resumed consideration of—

CS for SB 1858—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.091, F.S., relating to benefits payable under the Florida Retirement System; providing for payment of federally limited benefits through the Florida Retirement System Preservation of Benefits Plan; creating s. 121.1001, F.S.; creating the Florida Retirement System Preservation of Benefits Plan; providing for eligibility; providing for benefits and contributions; providing for administration; providing a finding of important state interest; providing an effective date and a contingent expiration date.

—which was previously considered and amended this day. Pending **Amendment 3** by Senator Silver was adopted.

Senator Silver moved the following amendment which was adopted:

Amendment 4 (643648)(with title amendment)—On page 5, delete lines 8-14

And the title is amended as follows:

On page 1, delete lines 14 and 15 and insert: effective date.

Pending further consideration of **CS for SB 1858** as amended, on motion by Senator Silver, by two-thirds vote **CS for HB 1013** was withdrawn from the Committees on Governmental Oversight and Productivity; and Fiscal Policy.

On motion by Senator Silver, by two-thirds vote—

CS for HB 1013—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.091, F.S., relating to benefits payable under the Florida Retirement System; providing for payment of federally limited benefits through the Florida Retirement System Preservation of Benefits Plan; creating s. 121.1001, F.S.; creating the Florida Retirement System Preservation of Benefits Plan; providing for eligibility; providing for benefits and contributions; providing for administration; providing a finding of important state interest; providing an effective date.

—a companion measure, was substituted for **CS for SB 1858** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 1013** was placed on the calendar of Bills on Third Reading.

On motion by Senator Kurth—

CS for SB 1940—A bill to be entitled An act relating to spring training franchise facilities; amending s. 125.0104, F.S.; defining the term “retained spring training franchise”; providing that the additional local option tourist development taxes presently authorized to finance the construction or renovation of a professional sports franchise facility may also be used to finance the acquisition, construction, or renovation of a retained spring training franchise facility; correcting a reference; providing for an appropriation under certain conditions; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 1940** to **CS for HB 519**.

Pending further consideration of **CS for SB 1940** as amended, on motion by Senator Kurth, by two-thirds vote **CS for HB 519** was withdrawn from the Committees on Comprehensive Planning, Local and Military Affairs; Commerce and Economic Opportunities; and Fiscal Policy.

On motion by Senator Kurth, by two-thirds vote—

CS for HB 519—A bill to be entitled An act relating to spring training franchise facilities; amending s. 125.0104, F.S.; defining the term “retained spring training franchise”; providing that the additional local option tourist development taxes presently authorized to finance the construction or renovation of a professional sports franchise facility may also be used to finance the acquisition, construction, or renovation of a retained spring training franchise facility; correcting a reference; providing an appropriation to the Office of Tourism, Trade, and Economic Development for a grant to a local government for the acquisition, construction, reconstruction, or renovation of a retained spring training franchise facility and providing conditions with respect thereto; providing an effective date.

—a companion measure, was substituted for **CS for SB 1940** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 519** was placed on the calendar of Bills on Third Reading.

On motion by Senator Silver, by two-thirds vote **CS for HB 1489** was withdrawn from the Committees on Governmental Oversight and Productivity; and Fiscal Policy.

On motion by Senator Silver, by two-thirds vote—

CS for HB 1489—A bill to be entitled An act relating to the Florida Retirement System; creating s. 121.095, F.S.; creating the Florida Retirement System Preservation of Benefits Plan Trust Fund within the Division of Retirement; providing for sources of funds and purpose; providing an exemption from termination; providing an effective date.

—a companion measure, was substituted for **CS for SB 1856** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 1489** was placed on the calendar of Bills on Third Reading.

On motion by Senator Kirkpatrick—

CS for SB's 2152 and 1930—A bill to be entitled An act relating to the promotion and development of Florida's entertainment industry; providing a short title; providing legislative findings and intent; creating s. 288.125, F.S.; defining the term “entertainment industry”; creating s. 288.1251, F.S.; creating the Office of the Film Commissioner; providing procedure for appointment of the Film Commissioner; providing powers and duties of the office; creating s. 288.1252, F.S.; creating the Florida Entertainment Industry Advisory Council within the Office of Tourism, Trade, and Economic Development of the Executive Office of the Governor; providing purpose, membership, terms, organization, powers, and

duties of the council; creating s. 288.1253, F.S.; providing definitions; requiring the Office of Tourism, Trade, and Economic Development to adopt rules by which it may make specified expenditures for expenses incurred in connection with the performance of the duties of the Office of the Film Commissioner; requiring approval of such rules by the Comptroller; requiring an annual report; authorizing the acceptance and use of specified goods and services by employees and representatives of the Office of the Film Commissioner; providing certain requirements with respect to claims for expenses; providing a penalty for false or fraudulent claims; providing for civil liability; amending s. 14.2015, F.S.; revising purposes of the Office of Tourism, Trade, and Economic Development of the Executive Office of the Governor relating to entertainment and sports promotion; repealing s. 288.051, F.S., which provides a short title; repealing s. 288.052, F.S., relating to legislative findings and intent with respect to the "Florida Film and Television Investment Act"; repealing s. 288.053, F.S., relating to the Florida Film and Television Investment Board; repealing s. 288.054, F.S., relating to the administration and powers of the Florida Film and Television Investment Board; repealing s. 288.055, F.S., relating to the Florida Film and Television Investment Trust Fund; repealing s. 288.056, F.S., relating to conditions for film and television investment by the board; repealing s. 288.057, F.S., requiring an annual report by the board; repealing s. 288.1228, F.S., relating to the direct-support organization authorized by the Office of Tourism, Trade, and Economic Development to assist in the promotion and development of the entertainment industry; repealing s. 288.12285, F.S., relating to confidentiality of identities of donors to the direct-support organization; creating the 21st Century Digital Television and Education Task Force; providing membership; providing duties; providing for a report; amending s. 288.1229, F.S.; revising the purposes of the direct-support organization authorized to assist the Office of Tourism, Trade, and Economic Development in the promotion and development of the sports industry and related industries; specifying the duties of the direct-support organization with respect to the promotion of sports industry, amateur sports, and physical fitness; providing requirements with respect to the Sunshine State Games; providing authority of the Executive Office of the Governor with respect to the use of specified property, facilities, and personal services; amending s. 320.08058, F.S.; revising provisions relating to the Florida United States Olympic Committee license plate to remove references to the Sunshine State Games Foundation; revising the distribution of annual use fees from the sale of the Florida United States Olympic Committee license plate; providing for the reversion of funds and property of the Sunshine State Games Foundation, Inc., and the Florida Governor's Council on Physical Fitness and Amateur Sports to the direct-support organization; specifying use of such funds and property; repealing s. 14.22, F.S.; removing provisions relating to the Florida Governor's Council on Physical Fitness and Amateur Sports within the Office of the Governor, the Sunshine State Games, national and international amateur athletic competitions and Olympic development centers, direct-support organizations, and the Olympics and Pan American Games Task Force; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB's 2152 and 1930** to **HB 985**.

Pending further consideration of **CS for SB's 2152 and 1930** as amended, on motion by Senator Kirkpatrick, by two-thirds vote **HB 985** was withdrawn from the Committees on Commerce and Economic Opportunities; Governmental Oversight and Productivity; and Fiscal Policy.

On motion by Senator Kirkpatrick, by two-thirds vote—

HB 985—A bill to be entitled An act relating to the promotion and development of Florida's entertainment industry; providing a short title; providing legislative findings and intent; creating s. 288.125, F.S.; defining "entertainment industry"; creating s. 288.1251, F.S.; creating the Office of the Film Commissioner; providing procedure for selection of the Film Commissioner; providing powers and duties of the office; creating s. 288.1252, F.S.; creating the Florida Film Advisory Council within the Office of Tourism, Trade, and Economic Development of the Executive Office of the Governor; providing purpose, membership, terms, organization, powers, and duties of the council; creating s. 288.1253, F.S.; providing definitions; requiring the Office of Tourism, Trade, and Economic Development to adopt rules by which it may make specified expenditures for expenses incurred in connection with the performance of the duties of the Office of the Film Commissioner; requiring approval of such rules by the Comptroller; requiring an annual report; authorizing the acceptance and use of specified goods and services by employees and

representatives of the Office of the Film Commissioner; providing certain requirements with respect to claims for expenses; providing a penalty for false or fraudulent claims; providing for civil liability; amending s. 14.2015, F.S.; revising purposes of the Office of Tourism, Trade, and Economic Development of the Executive Office of the Governor; amending s. 288.1229, F.S.; revising the purposes of the direct-support organization authorized to assist the Office of Tourism, Trade, and Economic Development in the promotion and development of the sports industry and related industries; specifying the duties of the direct-support organization with respect to the promotion of sports industry, amateur sports, and physical fitness; providing requirements with respect to the Sunshine State Games; providing authority of the Executive Office of the Governor with respect to the use of specified property, facilities, and personal services; amending s. 320.08058, F.S.; revising provisions relating to the Florida United States Olympic Committee license plate to remove references to the Sunshine State Games Foundation; revising the distribution of annual use fees from the sale of the Florida United States Olympic Committee license plate; providing for the reversion of funds and property of the Sunshine State Games Foundation, Inc., and the Florida Governor's Council on Physical Fitness and Amateur Sports to the direct-support organization; specifying use of such funds and property; repealing s. 14.22, F.S.; removing provisions relating to the Florida Governor's Council on Physical Fitness and Amateur Sports within the Office of the Governor, the Sunshine State Games, national and international amateur athletic competitions and Olympic development centers, direct-support organizations, and the Olympics and Pan American Games Task Force; amending ss. 288.108 and 288.90152, F.S.; correcting cross references; repealing s. 288.051, F.S., which provides a short title; repealing s. 288.052, F.S., relating to legislative findings and intent with respect to the "Florida Film and Television Investment Act"; repealing s. 288.053, F.S., relating to the Florida Film and Television Investment Board; repealing s. 288.054, F.S., relating to the administration and powers of the Florida Film and Television Investment Board; repealing s. 288.055, F.S., relating to the Florida Film and Television Investment Trust Fund; repealing s. 288.056, F.S., relating to conditions for film and television investment by the board; repealing s. 288.057, F.S., requiring an annual report by the board; repealing s. 288.1228, F.S., relating to the direct-support organization authorized by the Office of Tourism, Trade, and Economic Development to assist in the promotion and development of the entertainment industry; repealing s. 288.12285, F.S., relating to confidentiality of identities of donors to the direct-support organization; providing an appropriation; providing an effective date.

—a companion measure, was substituted for **CS for SB's 2152 and 1930** as amended and by two-thirds vote read the second time by title.

Senator Kirkpatrick moved the following amendment which was adopted:

Amendment 1 (570956)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *Short title.*—*This act may be cited as the "Entertainment Florida Act of 1999."*

Section 2. *Legislative findings and intent.*—*The Legislature finds that the entertainment industry is comprised of multiple components, including, but not limited to, the operation of motion picture or television studios; the production of motion pictures, made-for-TV motion pictures, television series, commercial advertising, music videos, and sound recordings; the manufacture of products and the provision of services in the broadcast, communications, and other high-technology industries; the attendance at, participation in, and hosting of professional and amateur sporting events; and the attendance by in-state and out-of-state visitors at commercial and other attractions in the state. The Legislature further finds that these interrelated components form an entertainment industry cluster with the potential to contribute significantly to the efforts of the state to develop its economy and create employment opportunities for its residents. It is the intent of the Legislature to recognize the economic development significance of the entertainment industry and to adopt policies designed to facilitate its growth.*

Section 3. Section 288.125, Florida Statutes, is created to read:

288.125 *Definitions.*—*For the purposes of sections 288.1251 through 288.1258, the term "entertainment industry" means those persons or entities engaged in the operation of motion picture or television studios or recording studios; those persons or entities engaged in the preproduction, production, or postproduction of motion pictures, made-for-TV motion pictures, television series, commercial advertising, music videos, or sound recordings; and those persons or entities providing products or*

services directly related to the preproduction, production, or postproduction of motion pictures, made-for-TV motion pictures, television series, commercial advertising, music videos, or sound recordings, including, but not limited to, the broadcast industry.

Section 4. Section 288.1251, Florida Statutes, is created to read:

288.1251 Promotion and development of entertainment industry; Office of the Film Commissioner; creation; purpose; powers and duties.—

(1) CREATION.—

(a) There is created within the Office of Tourism, Trade, and Economic Development the Office of the Film Commissioner for the purpose of developing, marketing, promoting, and providing services to the state's entertainment industry.

(b) The Office of Tourism, Trade, and Economic Development shall conduct a national search for a qualified person to fill the position of Film Commissioner. Notwithstanding any other provision of law, the Executive Director of the Office of Tourism, Trade, and Economic Development shall hire the Film Commissioner under a performance-based contract that provides for a base payment for services or products delivered under the contract and that provides for incentive payments, in addition to the base payment, for the achievement of performance outcomes specified in the contract, including, but not limited to, the recruitment of film, television, recording, or other entertainment projects to Florida directly attributable to the work of the Film Commissioner. Such incentives must be paid from funds appropriated by the Legislature and from funds raised from the private sector. Guidelines for selection of the Film Commissioner include, but are not limited to, the Film Commissioner having:

1. A working knowledge of the equipment, personnel, financial, and day-to-day production operations of the industries to be served by the office;
2. Marketing and promotion experience related to the industries to be served by the office;
3. Experience working with a variety of individuals representing large and small entertainment-related businesses, industry associations, local community entertainment-industry liaisons, and labor organizations;
4. Experience working with a variety of state and local governmental agencies; and
5. A willingness to market the state as a site for entertainment projects under a performance-based contract.

(c) Prior to executing a contract with the Film Commissioner under paragraph (b), the director of the Office of Tourism, Trade, and Economic Development shall consult with the Governor's Chief Inspector General and with the Office of Program Policy Analysis and Government Accountability for assistance in identifying and defining the specific outcomes and appropriate incentive payments to govern such contract. One of the factors to be considered in determining the appropriate amount of incentive payments shall be the financial benefit to the state of projects recruited by the Film Commissioner. The Office of Tourism, Trade, and Economic Development shall also consult with the Governor's Chief Inspector General and with the Office of Program Policy Analysis and Government Accountability on other appropriate accountability measures to be incorporated into the contract.

(d) The Director of the Office of Tourism, Trade, and Economic Development shall notify the Governor, the President of the Senate, and the Speaker of the House of Representatives on an annual basis of the amount of incentive payments awarded and shall identify the entertainment projects recruited to the state that provided a basis for the incentive payments.

(e) The duration of the contract with the Film Commissioner shall not exceed one year, and the contract shall not contain any severance terms or conditions that exceed the terms and conditions of a career service employee. The contract with the Film Commissioner shall include conditions authorizing and governing the sharing of incentive payments with employees of the Office of the Film Commissioner.

(f) The Film Commissioner shall not share, or otherwise use, the incentive payments under this subsection in an effort to influence the decision of a person or organization to select this state as a location for a film, television, recording, or other entertainment project. Violation of

this provision shall constitute grounds for the Office of Tourism, Trade, and Economic Development to terminate the contract with the Film Commissioner.

(2) POWERS AND DUTIES.—

(a) The Office of the Film Commissioner, in performance of its duties, shall:

1. In consultation with the Florida Entertainment Industry Advisory Council, develop and implement a 5-year strategic plan to guide the activities of the Office of the Film Commissioner in the areas of entertainment industry development, marketing, promotion, liaison services, field office administration, and information. The plan, to be developed by no later than June 30, 2000, shall:

- a. Be annual in construction and ongoing in nature.
- b. Include recommendations relating to the organizational structure of the office.
- c. Include an annual budget projection for the office for each year of the plan.
- d. Include an operational model for the office to use in implementing programs for rural and urban areas designed to:

(I) Develop and promote the state's entertainment industry.

(II) Have the office serve as a liaison between the entertainment industry and other state and local governmental agencies, local film commissions, and labor organizations.

(III) Gather statistical information related to the state's entertainment industry.

(IV) Provide information and service to businesses, communities, organizations, and individuals engaged in entertainment industry activities.

(V) Administer field offices outside the state and coordinate with regional offices maintained by counties and regions of the state, as described in sub-sub-subparagraph (II) above, as necessary.

e. Include performance standards and measurable outcomes for the programs to be implemented by the office.

f. Include an assessment of, and make recommendations on, the feasibility of creating an alternative public-private partnership for the purpose of contracting with such a partnership for the administration of the state's entertainment industry promotion, development, marketing, and industry service programs.

2. Develop, market, and facilitate a smooth working relationship between state agencies and local governments in cooperation with local film commission offices for out-of-state and indigenous entertainment industry production entities.

3. Implement a structured methodology prescribed for coordinating activities of local offices with each other and with the commissioner's office.

4. Represent the state's indigenous entertainment industry to key decisionmakers within the national and international entertainment industry, and to state and local officials.

5. Prepare an inventory and analysis of the state's entertainment industry, including, but not limited to, information on crew, related businesses, support services, job creation, talent, advancements in the use of digital technology, and economic impact, and coordinate with local offices to develop an information tool for common use.

6. Represent key decisionmakers within the national and international entertainment industry to the indigenous entertainment industry and to state and local officials.

7. Serve as liaison between entertainment industry producers and labor organizations.

8. Identify, solicit, and recruit entertainment production opportunities for the state, with the Film Commissioner operating under a performance-based contract as specified in subsection (1).

9. Assist rural communities and other small communities in the state in developing expertise and capacity necessary for such communities to develop, market, promote, and provide services to the state's entertainment industry.

(b) The Office of the Film Commissioner, in the performance of its duties, may:

1. Conduct or contract for specific promotion and marketing functions, including, but not limited to, production of a statewide directory, production and maintenance of an Internet web site, establishment and maintenance of a toll-free number, organization of trade show participation, and appropriate cooperative marketing opportunities.

2. Conduct its affairs, carry on its operations, establish offices, and exercise the powers granted by this act in any state, territory, district, or possession of the United States.

3. Carry out any program of information, special events, or publicity designed to attract the entertainment industry to Florida.

4. Develop relationships and leverage resources with other public and private organizations or groups in their efforts to publicize to the entertainment industry in this state, other states, and other countries the depth of Florida's entertainment industry talent, crew, production companies, production equipment resources, related businesses, and support services, including the establishment of and expenditure for a program of cooperative advertising with these public and private organizations and groups in accordance with the provisions of chapter 120.

5. Provide and arrange for reasonable and necessary promotional items and services for such persons as the office deems proper in connection with the performance of the promotional and other duties of the office.

6. Prepare an annual economic impact analysis on entertainment-industry-related activities in the state.

Section 5. Section 288.1252, Florida Statutes, is created to read:

288.1252 Florida Entertainment Industry Advisory Council; creation; purpose; membership; powers and duties.—

(1) CREATION.—There is hereby created within the Office of Tourism, Trade, and Economic Development of the Executive Office of the Governor, for administrative purposes only, the Florida Entertainment Industry Advisory Council.

(2) PURPOSE.—The purpose of the council shall be to serve as an advisory body to the Office of Tourism, Trade, and Economic Development and to the Office of the Film Commissioner to provide these offices with industry insight and expertise related to developing, marketing, promoting, and providing service to the state's entertainment industry.

(3) MEMBERSHIP.—

(a) The council shall consist of 17 members, seven to be appointed by the Governor, five to be appointed by the President of the Senate, and five to be appointed by the Speaker of the House of Representatives, with the initial appointments being made no later than August 1, 1999.

(b) When making appointments to the council, the Governor, the President of the Senate, and the Speaker of the House of Representatives shall appoint persons who are residents of the state and who are highly knowledgeable concerning, active in, and recognized leaders in Florida's motion picture, television, video, sound recording, or other entertainment industries. These persons shall include, but not be limited to, representatives of local film commissions, representatives of entertainment associations, representatives of the broadcast industry, representatives of studios and networks, a representative of labor organizations in the entertainment industry, and board chairs, presidents, chief executive officers, chief operating officers, and persons of comparable executive position or stature in leading or otherwise important entertainment industry businesses and offices. Council members shall be appointed in such a manner as to equitably represent the broadest spectrum of the entertainment industry and geographic areas of the state.

(c) Council members shall serve for 4-year terms, except that the initial terms shall be staggered:

1. The Governor shall appoint one member for a 1-year term, two members for 2-year terms, two members for 3-year terms, and two members for 4-year terms.

2. The President of the Senate shall appoint one member for a 1-year term, one member for a 2-year term, two members for 3-year terms, and one member for a 4-year term.

3. The Speaker of the House of Representatives shall appoint one member for a 1-year term, one member for a 2-year term, two members for 3-year terms, and one member for a 4-year term.

(d) Subsequent appointments shall be made by the official who appointed the council member whose expired term is to be filled.

(e) The Film Commissioner, a representative of Enterprise Florida, Inc., and a representative of the Florida Tourism Industry Marketing Corporation shall serve as ex-officio, non-voting members of the council, and shall be in addition to the 17 appointed members of the council.

(f) Absence from three consecutive meetings shall result in automatic removal from the council.

(g) A vacancy on the council shall be filled for the remainder of the unexpired term by the official who appointed the vacating member.

(h) No more than one member of the council may be an employee of any one company, organization, or association.

(i) Any member shall be eligible for reappointment but may not serve more than two consecutive terms.

(4) MEETINGS; ORGANIZATION.—

(a) The council shall meet no less frequently than once each quarter of the calendar year, but may meet more often as determined by the council.

(b) The council shall annually elect one member to serve as chair of the council and one member to serve as vice chair. The Office of the Film Commissioner shall provide staff assistance to the council, which shall include, but not be limited to, keeping records of the proceedings of the council and serving as custodian of all books, documents, and papers filed with the council.

(c) A majority of the members of the council shall constitute a quorum.

(d) Members of the council shall serve without compensation but shall be entitled to reimbursement for per diem and travel expenses in accordance with s. 112.061 while in performance of their duties.

(5) POWERS AND DUTIES.—The Florida Entertainment Industry Advisory Council shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this act, including, but not limited to, the power to:

(a) Adopt bylaws for the governance of its affairs and the conduct of its business.

(b) Advise and consult with the Office of the Film Commissioner on the content, development, and implementation of the 5-year strategic plan to guide the activities of the office.

(c) Review the Film Commissioner's administration of the programs related to the strategic plan, and advise the Commissioner on the programs and any changes that might be made to better fulfill the strategic plan.

(d) Consider and study the needs of the entertainment industry for the purpose of advising the commissioner and the Office of Tourism, Trade, and Economic Development.

(e) Identify and make recommendations on state agency and local government actions that may have an impact on the entertainment industry or that may appear to industry representatives as an official state or local action affecting production in the state.

(f) Consider all matters submitted to it by the commissioner and the Office of Tourism, Trade, and Economic Development.

(g) Advise and consult with the commissioner and the Office of Tourism, Trade, and Economic Development, at their request or upon its own initiative, regarding the promulgation, administration, and enforcement of all laws and rules relating to the entertainment industry.

(h) Suggest policies and practices for the conduct of business by the Office of the Film Commissioner or by the Office of Tourism, Trade, and Economic Development that will improve internal operations affecting the entertainment industry and will enhance the economic development initiatives of the state for the industry.

(i) Appear on its own behalf before boards, commissions, departments, or other agencies of municipal, county, or state government or the Federal Government.

Section 6. Section 288.1253, Florida Statutes, is created to read:

288.1253 Travel and entertainment expenses.—

(1) As used in this section, the term:

(a) "Business client" means any person, other than a state official or state employee, who receives the services of representatives of the Office of the Film Commissioner in connection with the performance of its statutory duties, including persons or representatives of entertainment industry companies considering location, relocation, or expansion of an entertainment industry business within the state.

(b) "Entertainment expenses" means the actual, necessary, and reasonable costs of providing hospitality for business clients or guests, which costs are defined and prescribed by rules adopted by the Office of Tourism, Trade, and Economic Development, subject to approval by the Comptroller.

(c) "Guest" means a person, other than a state official or state employee, authorized by the Office of Tourism, Trade, and Economic Development to receive the hospitality of the Office of the Film Commissioner in connection with the performance of its statutory duties.

(d) "Travel expenses" means the actual, necessary, and reasonable costs of transportation, meals, lodging, and incidental expenses normally incurred by a traveler, which costs are defined and prescribed by rules adopted by the Office of Tourism, Trade, and Economic Development, subject to approval by the Comptroller.

(2) Notwithstanding the provisions of s. 112.061, the Office of Tourism, Trade, and Economic Development shall adopt rules by which it may make expenditures by advancement or reimbursement, or a combination thereof, to:

(a) The Governor, the Lieutenant Governor, security staff of the Governor or Lieutenant Governor, the Film Commissioner, or staff of the Office of the Film Commissioner for travel expenses or entertainment expenses incurred by such individuals solely and exclusively in connection with the performance of the statutory duties of the Office of the Film Commissioner.

(b) The Governor, the Lieutenant Governor, security staff of the Governor or Lieutenant Governor, the Film Commissioner, or staff of the Office of the Film Commissioner for travel expenses or entertainment expenses incurred by such individuals on behalf of guests, business clients, or authorized persons as defined in s. 112.061(2)(e) solely and exclusively in connection with the performance of the statutory duties of the Office of the Film Commissioner.

(c) Third-party vendors for the travel or entertainment expenses of guests, business clients, or authorized persons as defined in s. 112.061(2)(e) incurred solely and exclusively while such persons are participating in activities or events carried out by the Office of the Film Commissioner in connection with that office's statutory duties.

The rules shall be subject to approval by the Comptroller prior to promulgation. The rules shall require the submission of paid receipts, or other proof of expenditure prescribed by the Comptroller, with any claim for reimbursement and shall require, as a condition for any advancement of funds, an agreement to submit paid receipts or other proof of expenditure and to refund any unused portion of the advancement within 15 days after the expense is incurred or, if the advancement is made in connection with travel, within 10 working days after the traveler's return to headquarters. However, with respect to an advancement of funds made solely for travel expenses, the rules may allow paid receipts or other proof of expenditure to be submitted, and any unused portion of the advancement to be refunded, within 10 working days after the traveler's return to headquarters. Operational or promotional advancements, as defined in s. 288.35(4), obtained pursuant to this section shall not be commingled with any other state funds.

(3) The Office of Tourism, Trade, and Economic Development shall prepare an annual report of the expenditures of the Office of the Film Commissioner and provide such report to the Legislature no later than December 30 of each year for the expenditures of the previous fiscal year. The report shall consist of a summary of all travel, entertainment, and incidental expenses incurred within the United States and all travel, entertainment, and incidental expenses incurred outside the United States, as well as a summary of all successful projects that developed from such travel.

(4) The Office of the Film Commissioner and its employees and representatives, when authorized, may accept and use complimentary travel, accommodations, meeting space, meals, equipment, transportation, and any other goods or services necessary for or beneficial to the performance of the office's duties and purposes, so long as such acceptance or use is not in conflict with part III of chapter 112. The Office of Tourism, Trade, and Economic Development shall, by rule, develop internal controls to ensure that such goods or services accepted or used pursuant to this subsection are limited to those that will assist solely and exclusively in the furtherance of the office's goals and are in compliance with part III of chapter 112.

(5) Any claim submitted under this section shall not be required to be sworn to before a notary public or other officer authorized to administer oaths, but any claim authorized or required to be made under any provision of this section shall contain a statement that the expenses were actually incurred as necessary travel or entertainment expenses in the performance of official duties of the Office of the Film Commissioner and shall be verified by written declaration that it is true and correct as to every material matter. Any person who willfully makes and subscribes to any claim which he or she does not believe to be true and correct as to every material matter or who willfully aids or assists in, procures, or counsels or advises with respect to, the preparation or presentation of a claim pursuant to this section which is fraudulent or false as to any material matter, whether or not such falsity or fraud is with the knowledge or consent of the person authorized or required to present the claim, is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Whoever receives an advancement or reimbursement by means of a false claim is civilly liable, in the amount of the overpayment, for the reimbursement of the public fund from which the claim was paid.

Section 7. Subsections (2) and (7) of section 14.2015, Florida Statutes, 1998 Supplement, are amended to read:

14.2015 Office of Tourism, Trade, and Economic Development; creation; powers and duties.—

(2) The purpose of the Office of Tourism, Trade, and Economic Development is to assist the Governor in working with the Legislature, state agencies, business leaders, and economic development professionals to formulate and implement coherent and consistent policies and strategies designed to provide economic opportunities for all Floridians. To accomplish such purposes, the Office of Tourism, Trade, and Economic Development shall:

~~(a) Contract, notwithstanding the provisions of part I of chapter 287, with the direct support organization created under s. 288.1228, or a designated Florida not for profit corporation whose board members have had prior experience in promoting, throughout the state, the economic development of the Florida motion picture, television, radio, video, recording, and entertainment industries, to guide, stimulate, and promote the entertainment industry in the state.~~

~~(a)(b) Contract, notwithstanding the provisions of part I of chapter 287, with the direct-support organization created under s. 288.1229 to guide, stimulate, and promote the sports industry in the state, to promote the participation of Florida's citizens in amateur athletic competition, and to promote Florida as a host for national and international amateur athletic competitions.~~

~~(b)(c) Monitor the activities of public-private partnerships and state agencies in order to avoid duplication and promote coordinated and consistent implementation of programs in areas including, but not limited to, tourism; international trade and investment; business recruitment, creation, retention, and expansion; minority and small business development; and rural community development.~~

~~(c)(d) Facilitate the direct involvement of the Governor and the Lieutenant Governor in economic development projects designed to create,~~

expand, and retain Florida businesses and to recruit worldwide business.

(d)(e) Assist the Governor, in cooperation with Enterprise Florida, Inc., and the Florida Commission on Tourism, in preparing an annual report to the Legislature on the state of the business climate in Florida and on the state of economic development in Florida which will include the identification of problems and the recommendation of solutions. This report shall be submitted to the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader by January 1 of each year, and it shall be in addition to the Governor's message to the Legislature under the State Constitution and any other economic reports required by law.

(e)(f) Plan and conduct at least three meetings per calendar year of leaders in business, government, and economic development called by the Governor to address the business climate in the state, develop a common vision for the economic future of the state, and identify economic development efforts to fulfill that vision.

(f)(g)1. Administer the Florida Enterprise Zone Act under ss. 290.001-290.016, the community contribution tax credit program under ss. 220.183 and 624.5105, the tax refund program for qualified target industry businesses under s. 288.106, contracts for transportation projects under s. 288.063, the sports franchise facility program under s. 288.1162, the professional golf hall of fame facility program under s. 288.1168, the Florida Jobs Siting Act under ss. 403.950-403.972, the Rural Community Development Revolving Loan Fund under s. 288.065, the Regional Rural Development Grants Program under s. 288.018, the Certified Capital Company Act under s. 288.99, the Florida State Rural Development Council, and the Rural Economic Development Initiative.

2. The office may enter into contracts in connection with the fulfillment of its duties concerning the Florida First Business Bond Pool under chapter 159, tax incentives under chapters 212 and 220, tax incentives under the Certified Capital Company Act in chapter 288, foreign offices under chapter 288, the Enterprise Zone program under chapter 290, the Seaport Employment Training program under chapter 311, the Florida Professional Sports Team License Plates under chapter 320, Spaceport Florida under chapter 331, Job Siting and Expedited Permitting under chapter 403, and in carrying out other functions that are specifically assigned to the office by law.

(g)(h) Serve as contract administrator for the state with respect to contracts with Enterprise Florida, Inc., the Florida Commission on Tourism, and all direct-support organizations under this act, excluding those relating to tourism. To accomplish the provisions of this act and applicable provisions of chapter 288, and notwithstanding the provisions of part I of chapter 287, the office shall enter into specific contracts with Enterprise Florida, Inc., the Florida Commission on Tourism, and other appropriate direct-support organizations. Such contracts may be multiyear and shall include specific performance measures for each year. The office shall provide the President of the Senate and the Speaker of the House of Representatives with a report by February 1 of each year on the status of these contracts, including the extent to which specific contract performance measures have been met by these contractors.

(h) Provide administrative oversight for the Office of the Film Commissioner, created under s. 288.1251, to develop, promote, and provide services to the state's entertainment industry and to administratively house the Florida Entertainment Industry Advisory Council created under s. 288.1252.

(i) Prepare and submit as a separate budget entity a unified budget request for tourism, trade, and economic development in accordance with chapter 216 for, and in conjunction with, Enterprise Florida, Inc., and its boards, the Florida Commission on Tourism and its direct-support organization, the Florida Black Business Investment Board, the Office of the Film Commissioner, and the direct-support organization created to promote the entertainment and sports industry.

(j) Promulgate rules to carry out its functions in connection with the administration of the Qualified Target Industry program, the Qualified Defense Contractor program, the Certified Capital Company Act, the Enterprise Zone program, and the Florida First Business Bond pool.

(7) The Office of Tourism, Trade, and Economic Development shall develop performance measures, standards, and sanctions for each program it administers under this act and, in conjunction with the applicable entity, for each program for which it contracts with another entity

under this act. The performance measures, standards, and sanctions shall be developed in consultation with the legislative appropriations committees and the appropriate substantive committees, and are subject to the review and approval process provided in s. 216.177. The approved performance measures, standards, and sanctions shall be included and made a part of the strategic plan for the Office of the Film Commissioner and of each contract entered into for delivery of programs authorized by this act.

Section 8. Sections 288.051, 288.052, 288.053, 288.054, 288.055, 288.056, 288.057, 288.1228, and 288.12285, Florida Statutes, are repealed.

Section 9. 21st Century Digital Television and Education Task Force; membership; duties.—

(1) The "21st Century Digital Television and Education Task Force" is created to serve through February 1, 2000. The task force is created within the Office of Tourism, Trade, and Economic Development, which shall provide staff support for the activities of the task force. The task force shall consist of the following members:

- (a) Two members to be appointed by the Governor.
- (b) Two members of the Senate, or their designees, to be appointed by the President of the Senate.
- (c) Two members of the House of Representatives, or their designees, to be appointed by the Speaker of the House of Representatives.
- (d) The Commissioner of Education or the commissioner's designee.
- (e) The Chancellor of the State University System or the chancellor's designee.
- (f) The Executive Director of the State Community College System or the executive director's designee.
- (g) The President of the Independent Colleges and Universities of Florida or the president's designee.

(h) A representative of Enterprise Florida, Inc., with knowledge on workforce development and economic development issues.

(i) The Film Commissioner within the Office of Tourism, Trade, and Economic Development.

(2) Each appointed member of the task force shall serve at the pleasure of the appointing official. A vacancy on the task force shall be filled in the same manner as the original appointment.

(3) The task force shall elect a chair from among its members. A vacancy in the chair of the task force must be filled for the remainder of the unexpired term by an election of the task force members.

(4) The task force shall meet as necessary, at the call of the chair or at the call of a quorum of the task force, and at the time and place designated by the chair. A quorum is necessary for the purpose of conducting official business of the task force. Six members of the task force shall constitute a quorum. The task force shall use accepted rules of procedure to conduct its meetings and shall keep a complete record of each meeting.

(5) Members of the task force shall receive no compensation for their services, but shall be entitled to receive per diem and travel expenses as provided in section 112.061, Florida Statutes.

(6) The Task Force shall act as an advisory body and shall make recommendations to the Governor and the Legislature on a coordinated plan to carry out the legislative intent of this act. The task force shall have the following duties:

(a) Devise a plan to recruit the following industry segments to locate in Florida:

1. Digital programmers and producers, including companies involved in the production, marketing, and development of digital content, as well as studios, networks, and television stations.

2. Companies involved in the transmission of digital media, including television broadcasters; cable and satellite companies; television, theater, and film industry members; Internet content providers; web site producers; and other information service providers.

3. *Digital television equipment manufacturers, including makers of digital video cameras, audio equipment, transmission equipment, television sets, set-top boxes and related hardware, monitors, displays, tapes, and discs.*

4. *Companies involved in the research and development of new and innovative digital television equipment, consumer electronics, prototypes, and products.*

(b) *Investigate and recommend strong economic incentives to encourage the digital industry segments described in subparagraph 1. to locate and compete in Florida.*

(c) *Devise a plan to create and maintain higher education opportunities for students wishing to enter the digital television field. At a minimum, the plan shall consider and address the following:*

1. *The extent to which higher education opportunities are currently available to students in the areas of digital production, transmission, manufacturing, and research and development.*

2. *The workforce needs of the digital television industry segments described in subparagraph 1.*

3. *Recommendations and an operational plan for creating and maintaining higher education opportunities in digital television production, transmission, manufacturing, and research and development.*

4. *Any other recommendations to encourage and promote the development of a skilled workforce in digital broadcast communications and high-definition television.*

(d) *Recommend methods to hasten the conversion of existing commercial television studios and soundstages from analog to digital technology.*

(e) *Recommend a means to fund the cost of converting public broadcast stations from analog to digital technology, including a grant program for Florida Public Television.*

(f) *Issue a report to the Legislature no later than February 1, 2000, summarizing its findings, stating its conclusions, and proposing its recommendations.*

Section 10. Subsections (1) and (2) of section 288.1229, Florida Statutes, are amended, and subsections (8) and (9) are added to that section, to read:

288.1229 Promotion and development of sports-related industries; direct-support organization; powers and duties.—

(1) The Office of Tourism, Trade, and Economic Development may authorize a direct-support organization to assist the office in:

(a) The promotion and development of the sports industry and related industries for the purpose of improving the economic presence of these industries in Florida.

(b) *The promotion of amateur athletic participation for the citizens of Florida and the promotion of Florida as a host for national and international amateur athletic competitions for the purpose of encouraging and increasing the direct and ancillary economic benefits of amateur athletic events and competitions.*

(2) To be authorized as a direct-support organization, an organization must:

(a) Be incorporated as a corporation not for profit pursuant to chapter 617.

(b) Be governed by a board of directors, which must consist of up to 15 members appointed by the Governor and up to 15 members appointed by the existing board of directors. In making appointments, the board must consider a potential member's background in community service and sports activism in, and financial support of, the sports industry, professional sports, or organized amateur athletics. Members must be residents of the state and highly knowledgeable about or active in professional or organized amateur sports. The board must contain representatives of all geographical regions of the state and must represent ethnic and gender diversity. The terms of office of the members shall be 4 years. No member may serve more than two consecutive terms. The Governor may remove any member for cause and shall fill all vacancies that occur.

(c) Have as its purpose, as stated in its articles of incorporation, to receive, hold, invest, and administer property; to raise funds and receive gifts; and to promote and develop the sports industry and related industries for the purpose of increasing the economic presence of these industries in Florida.

(d) Have a prior determination by the Office of Tourism, Trade, and Economic Development that the organization will benefit the office and act in the best interests of the state as a direct-support organization to the office.

(8) *To promote amateur sports and physical fitness, the direct-support organization shall:*

(a) *Develop, foster, and coordinate services and programs for amateur sports for the people of Florida.*

(b) *Sponsor amateur sports workshops, clinics, conferences, and other similar activities.*

(c) *Give recognition to outstanding developments and achievements in, and contributions to, amateur sports.*

(d) *Encourage, support, and assist local governments and communities in the development of or hosting of local amateur athletic events and competitions.*

(e) *Promote Florida as a host for national and international amateur athletic competitions. As part of this effort, the direct-support organization shall:*

1. *Assist and support Florida cities or communities bidding or seeking to host the Summer Olympics or Pan American Games.*

2. *Annually report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the status of the efforts of cities or communities bidding to host the Summer Olympics or Pan American Games, including, but not limited to, current financial and infrastructure status, projected financial and infrastructure needs, and recommendations for satisfying the unmet needs and fulfilling the requirements for a successful bid in any year that the Summer Olympics or Pan American Games are held in this state.*

(f) *Develop a statewide program of amateur athletic competition to be known as the "Sunshine State Games."*

(g) *Continue the successful amateur sports programs previously conducted by the Florida Governor's Council on Physical Fitness and Amateur Sports created under s. 14.22.*

(h) *Encourage and continue the use of volunteers in its amateur sports programs to the maximum extent possible.*

(i) *Develop, foster, and coordinate services and programs designed to encourage the participation of Florida's youth in Olympic sports activities and competitions.*

(j) *Foster and coordinate services and programs designed to contribute to the physical fitness of the citizens of Florida.*

(9)(a) *The Sunshine State Games shall be patterned after the Summer Olympics with variations as necessitated by availability of facilities, equipment, and expertise. The games shall be designed to encourage the participation of athletes representing a broad range of age groups, skill levels, and Florida communities. Participants shall be residents of this state. Regional competitions shall be held throughout the state, and the top qualifiers in each sport shall proceed to the final competitions to be held at a site in the state with the necessary facilities and equipment for conducting the competitions.*

(b) *The Executive Office of the Governor is authorized to permit the use of property, facilities, and personal services of or at any State University System facility or institution by the direct-support organization operating the Sunshine State Games. For the purposes of this paragraph, personal services includes full-time or part-time personnel as well as payroll processing.*

Section 11. Paragraph (a) of subsection (6) of section 320.08058, Florida Statutes, 1998 Supplement, is amended to read:

320.08058 Specialty license plates.—

(6) FLORIDA UNITED STATES OLYMPIC COMMITTEE LICENSE PLATES.—

(a) Because the United States Olympic Committee has selected this state to participate in a combined fundraising program that provides for one-half of all money raised through volunteer giving to stay in this state and be administered by the *direct-support organization established under s. 288.1229 Sunshine State Games Foundation* to support amateur sports, and because the United States Olympic Committee and the *direct-support organization Sunshine State Games Foundation* are nonprofit organizations dedicated to providing athletes with support and training and preparing athletes of all ages and skill levels for sports competition, and because the *direct-support organization Sunshine State Games Foundation* assists in the bidding for sports competitions that provide significant impact to the economy of this state, and the Legislature supports the efforts of the United States Olympic Committee and the *direct-support organization Florida Sunshine State Games Foundation*, the Legislature establishes a Florida United States Olympic Committee license plate for the purpose of providing a continuous funding source to support this worthwhile effort. Florida United States Olympic Committee license plates must contain the official United States Olympic Committee logo and must bear a design and colors that are approved by the department. The word "Florida" must be centered at the top of the plate.

(b) The license plate annual use fees are to be annually distributed as follows:

1. The first \$5 million collected annually must be paid to the *direct-support organization Florida Governor's Council on Physical Fitness and Amateur Sports* to be distributed as follows:

a. Fifty percent must be distributed to the *direct-support organization to be used Sunshine State Games Foundation* for Florida's *Sunshine State Games Olympic Sports Festival for Amateur Athletes*.

b. Fifty percent must be distributed to the United States Olympic Committee.

2. Any additional fees must be deposited into the General Revenue Fund.

Section 12. *Any funds or property held in trust by the Sunshine State Games Foundation, Inc., and the Florida Governor's Council on Physical Fitness and Amateur Sports shall revert to the direct-support organization, created under section 288.1229, Florida Statutes, upon expiration or cancellation of the contract with the Sunshine State Games Foundation, Inc., and the Florida Governor's Council on Physical Fitness and Amateur Sports, to be used for the promotion of amateur sports in Florida.*

Section 13. *Section 14.22, Florida Statutes, is repealed.*

Section 14. Paragraph (e) of subsection (6) of section 288.108, Florida Statutes, is amended to read:

288.108 High-impact business.—

(6) SELECTION AND DESIGNATION OF HIGH-IMPACT SECTORS.—

(e) The study and its findings and recommendations and the recommendations gathered from the sector-business network must be discussed and considered during at least one of the quarterly meetings required in *s. 14.2015(2)(e) s. 14.2015(2)(h)*.

Section 15. This act shall take effect July 1, 1999.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the promotion and development of Florida's entertainment industry; providing a short title; providing legislative findings and intent; creating s. 288.125, F.S.; defining the term "entertainment industry"; creating s. 288.1251, F.S.; creating the Office of the Film Commissioner; providing for the Film Commissioner to be hired under a performance-based contract; providing procedure for appointment of the Film Commissioner; providing powers and duties of the office; creating s. 288.1252, F.S.; creating the Florida Entertainment Industry Advisory Council within the Office of Tourism, Trade, and Economic Development of the Executive Office of the Governor; providing purpose, membership, terms, organization, powers, and duties of the

council; creating s. 288.1253, F.S.; providing definitions; requiring the Office of Tourism, Trade, and Economic Development to adopt rules by which it may make specified expenditures for expenses incurred in connection with the performance of the duties of the Office of the Film Commissioner; requiring approval of such rules by the Comptroller; requiring an annual report; authorizing the acceptance and use of specified goods and services by employees and representatives of the Office of the Film Commissioner; providing certain requirements with respect to claims for expenses; providing a penalty for false or fraudulent claims; providing for civil liability; amending s. 14.2015, F.S.; revising purposes of the Office of Tourism, Trade, and Economic Development of the Executive Office of the Governor relating to entertainment and sports promotion; repealing s. 288.051, F.S., which provides a short title; repealing s. 288.052, F.S., relating to legislative findings and intent with respect to the "Florida Film and Television Investment Act"; repealing s. 288.053, F.S., relating to the Florida Film and Television Investment Board; repealing s. 288.054, F.S., relating to the administration and powers of the Florida Film and Television Investment Board; repealing s. 288.055, F.S., relating to the Florida Film and Television Investment Trust Fund; repealing s. 288.056, F.S., relating to conditions for film and television investment by the board; repealing s. 288.057, F.S., requiring an annual report by the board; repealing s. 288.1228, F.S., relating to the direct-support organization authorized by the Office of Tourism, Trade, and Economic Development to assist in the promotion and development of the entertainment industry; repealing s. 288.12285, F.S., relating to confidentiality of identities of donors to the direct-support organization; creating the 21st Century Digital Television and Education Task Force; providing membership; providing duties; providing for a report; amending s. 288.1229, F.S.; revising the purposes of the direct-support organization authorized to assist the Office of Tourism, Trade, and Economic Development in the promotion and development of the sports industry and related industries; specifying the duties of the direct-support organization with respect to the promotion of sports industry, amateur sports, and physical fitness; providing requirements with respect to the Sunshine State Games; providing authority of the Executive Office of the Governor with respect to the use of specified property, facilities, and personal services; amending s. 320.08058, F.S.; revising provisions relating to the Florida United States Olympic Committee license plate to remove references to the Sunshine State Games Foundation; revising the distribution of annual use fees from the sale of the Florida United States Olympic Committee license plate; providing for the reversion of funds and property of the Sunshine State Games Foundation, Inc., and the Florida Governor's Council on Physical Fitness and Amateur Sports to the direct-support organization; specifying use of such funds and property; repealing s. 14.22, F.S., relating to the Florida Governor's Council on Physical Fitness and Amateur Sports within the Office of the Governor, the Sunshine State Games, national and international amateur athletic competitions and Olympic development centers, direct-support organizations, and the Olympics and Pan American Games Task Force; amending s. 288.108, F.S.; correcting a cross reference; providing an effective date.

Pursuant to Rule 4.19, **HB 985** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Silver—

CS for CS for SB 214—A bill to be entitled An act relating to empowerment zones; creating s. 290.0491, F.S.; creating the "Florida Empowerment Zone Act"; defining terms; providing legislative intent; providing for administration by the Department of Community Affairs; providing an appropriation; providing requirements for eligibility; amending s. 212.097, F.S.; defining as a "qualified high-crime area" areas receiving 1999 federal empowerment zone designation; amending s. 212.098, F.S.; defining as a "qualified county" a county that contains an area receiving 1999 enterprise community designation; amending s. 290.0065, F.S.; designating areas receiving 1999 federal empowerment zone or rural enterprise community designations as state enterprise zones and authorizing satellite enterprise zones; providing an effective date.

—was read the second time by title.

The Committee on Fiscal Policy recommended the following amendment which was moved by Senator Casas and failed:

Amendment 1 (535490)(with title amendment)—On page 2, delete lines 28-31 and insert:

(5) FUNDING—*Contingent upon a specific appropriation for Fiscal Year 1999-2000, funds must be distributed by*

And the title is amended as follows:

On page 1, delete line 7 and insert: Affairs; making the funding contingent upon a specific appropriation; providing

The Committee on Fiscal Policy recommended the following amendment which was moved by Senator Silver and adopted:

Amendment 2 (442334)—On page 3, delete lines 8-14 and insert: *the program. The funds must be used for the benefit of the*

Senator McKay moved the following amendment which was adopted:

Amendment 3 (660342)(with title amendment)—On page 7, between lines 29 and 30, insert:

Section 5. *Before December 31, 1999, any municipality an area of which has previously received designation as an Enterprise Zone in the population category described in section 290.0065(3)(a)3., Florida Statutes, may create a satellite enterprise zone not exceeding 1.5 square miles in area outside of and, notwithstanding anything contained in section 290.0055(4), Florida Statutes, or any other law, in addition to the previously designated enterprise zone boundaries. The Office of Tourism, Trade, and Economic Development shall amend the boundaries of the areas previously designated by any such municipality as enterprise zones upon receipt of a resolution adopted by the municipality describing the satellite enterprise zone areas, as long as the additional areas are consistent with the categories, criteria, and limitations imposed by section 290.0055, Florida Statutes. However, the requirements imposed by section 290.0055(4)(d), Florida Statutes, do not apply to such satellite enterprise zone areas.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, delete line 2 and insert: An act relating to special-purpose zones; authorizing municipalities to designate satellite enterprise zones; creating

Senators Casas and Silver offered the following amendment which was moved by Senator Casas and adopted:

Amendment 4 (090098)—On page 2, delete lines 28-31 and insert:

(5) *FUNDING.—For fiscal year 1999-2000, the sum of \$3,500,000 in nonrecurring general revenue is appropriated to the Department of Community Affairs to implement this act. The funds must be distributed by*

Senator Silver moved the following amendments which were adopted:

Amendment 5 (865462)—On page 3, delete lines 12-14 and insert: *Rural Enterprise Community. The funds must be used for the benefit of the*

Amendment 6 (072896)—On page 3, delete lines 20-29

Pursuant to Rule 4.19, **CS for CS for SB 214** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 672** was deferred.

CS for SB's 240 and 810—A bill to be entitled An act relating to suits by and against the Department of Transportation and public authorities; amending s. 337.19, F.S.; revising provisions governing suits at law and in equity brought by or against the department with respect to breach of an express provision or an implied covenant of a written agreement or a written directive issued by the department pursuant to the written agreement; providing for rights and obligations; prohibiting liability under certain circumstances; providing exceptions with respect to liability; amending s. 255.05, F.S.; specifying conditions under which suits may be brought by and against a public authority with respect to specified public works projects; providing for rights and obligations of the public authority and the contractor; excluding specified basis of liability; providing for construction of the act; providing an effective date.

—was read the second time by title.

Senator Sebesta moved the following amendment which was adopted:

Amendment 1 (351892)(with title amendment)—On page 1, line 24, insert:

Section 1. Subsection (16) of section 337.11, Florida Statutes, is amended to read:

337.11 Contracting authority of department; bids; emergency repairs, supplemental agreements, and change orders; combined design and construction contracts; progress payments; records; requirements of vehicle registration.—

~~(16) The department is authorized to undertake and contract to provide an owner-controlled insurance plan (OCIP) on any construction project or group of related construction projects if the head of the department determines that an OCIP will be both cost-effective for the department and otherwise in its best interests. Such OCIP may provide insurance coverage for the department and for worker's compensation and employers liability and general liability and builders risk for contractors and subcontractors, for and in conjunction with any or all work performed on such projects. The department may directly purchase such coverage in the manner provided for the purchase of commodities pursuant to s. 287.057, or self-insure, or use a combination thereof, any other statutory provisions or limitations on self-insurance or purchase of insurance notwithstanding. The department's authority hereunder includes the purchase of risk management, risk and loss control, safety management, investigative and claims adjustment services, advancement of funds for payment of claims, and other services reasonably necessary to process and pay claims under and administer the OCIP. In addition to any prequalification required under s. 337.14, no contractor shall be prequalified to bid on an OCIP project unless the contractor's casualty and loss experience and safety record meets the minimum requirements for OCIP coverage issuance on the project, were the contractor to be awarded the project. Exercise of the department's authority under this subsection shall not be deemed a waiver of sovereign immunity.~~

Section 2. Subsections (1), (2), (3), (7), and (8) of section 337.185, Florida Statutes, are amended to read:

337.185 State Arbitration Board.—

(1) To facilitate the prompt settlement of claims for additional compensation arising out of construction contracts between the department and the various contractors with whom it transacts business, the Legislature does hereby establish the State Arbitration Board, referred to in this section as the "board." For the purpose of this section, "claim" shall mean the aggregate of all outstanding claims by a party arising out of a construction contract. Every contractual claim in an amount up to ~~\$250,000~~ ~~\$100,000~~ per contract or, at the claimant's option, up to ~~\$500,000~~ ~~\$250,000~~ per contract or, upon agreement of the parties, up to ~~\$1,000,000~~ per contract that cannot be resolved by negotiation between the department and the contractor shall be arbitrated by the board after acceptance of the project by the department. As an exception, either party to the dispute may request that the claim be submitted to binding private arbitration. A court of law may not consider the settlement of such a claim until the process established by this section has been exhausted.

(2) The board shall be composed of three members. One member shall be appointed by the head of the department, and one member shall be elected by those construction companies who are under contract with the department. The third member shall be chosen by agreement of the other two members. Whenever the third member has a conflict of interest regarding affiliation with one of the parties, the other two members shall select an alternate member for that hearing. *The head of the department may select an alternative or substitute to serve as the department member for any hearing or term.* Each member shall serve a 2-year term. The board shall elect a chair, each term, who shall be the administrator of the board and custodian of its records.

(3) A hearing may be requested by the department or by a contractor who has a dispute with the department which, under the rules of the board, may be the subject of arbitration. The board shall conduct the hearing within 45 days of the request. The party requesting the board's consideration shall give notice of the hearing to each member. If the board finds that a third party is necessary to resolve the dispute, the board may vote to dismiss the claim, which may thereafter be pursued in accordance with the laws of the State of Florida a court of law.

(7) The ~~members member~~ of the board ~~elected by construction companies and the third member of the board~~ may receive compensation for the performance of their duties hereunder, from administrative fees received by the board, *except that no employee of the department may receive compensation from the board.* The compensation amount shall be determined by the board, but shall not exceed *\$125 per hour, up to a maximum of \$1,000* ~~\$750~~ per day for each member authorized to receive compensation. Nothing in this section shall prevent the member elected by construction companies from being an employee of an association affiliated with the industry, even if the sole responsibility of that member is service on the board. Travel expenses for the industry member may be paid by an industry association, if necessary. The board may allocate funds annually for clerical and other administrative services.

(8) The party requesting arbitration shall pay a fee to the board in accordance with a schedule established by it, not to exceed \$500 per claim which is \$25,000 or less, not to exceed \$1,000 per claim which is in excess of \$25,000 but not exceeding \$50,000, not to exceed \$1,500 per claim which is in excess of \$50,000 but not exceeding \$100,000, not to exceed \$2,000 per claim which is in excess of \$100,000 but not exceeding \$200,000, ~~and not to exceed \$3,000~~ ~~\$2,500~~ per claim which is in excess of \$200,000 but not exceeding ~~\$300,000~~ ~~\$250,000~~, *not to exceed \$4,000 per claim which is in excess of \$300,000 but not exceeding \$400,000, and not to exceed \$5,000 per claim which is in excess of \$400,000,* to cover the cost of administration and compensation of the board.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 4, after "authorities;" insert: amending s. 337.11, F.S.; repealing authority for owner controlled insurance plans in the Department of Transportation; amending s. 337.185, F.S.; increasing claim limits with respect to certain contractual claims governed by the State Arbitration Board; revising language with respect to hearings on certain disputes; increasing certain fees;

On motion by Senator Sebesta, further consideration of **CS for SB's 240 and 810** as amended was deferred.

On motion by Senator Klein—

SB 132—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.05, F.S.; exempting from the tax on the sale of coins or currency certain transactions in which the sales price exceeds a specified amount; amending s. 212.08, F.S.; exempting sales of gold, silver, or platinum bullion when the sales price exceeds a specified amount; providing effective dates.

—was read the second time by title.

Amendments were considered and adopted to conform **SB 132** to **CS for HB 221**.

Pending further consideration of **SB 132** as amended, on motion by Senator Klein, by two-thirds vote **CS for HB 221** was withdrawn from the Committees on Fiscal Resource; and Commerce and Economic Opportunities.

On motion by Senator Klein, by two-thirds vote—

CS for HB 221—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.05, F.S.; exempting from the tax on the sale of coins or currency any coin or currency which is legal tender of the United States and which is sold, exchanged, or traded; exempting from said tax certain transactions in which the sales price exceeds a specified amount; amending s. 212.08, F.S.; exempting sales of gold, silver, or platinum bullion when the sales price exceeds a specified amount; providing for emergency rules; providing effective dates.

—a companion measure, was substituted for **SB 132** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 221** was placed on the calendar of Bills on Third Reading.

On motion by Senator Carlton—

CS for SB 822—A bill to be entitled An act relating to conducting elections and ascertaining the results; amending s. 102.166, F.S., relating to protests of election returns; revising provisions with respect to the timeframes for filing election protests and requests for manual recounts; eliminating protests of election returns in circuit court; amending s. 102.167, F.S.; deleting the provision that prescribes the form of the protest of election returns to a circuit judge, to conform; amending s. 102.168, F.S., relating to election contests; revising the timeframe for filing a contest of election; specifying the grounds authorized for contesting an election; specifying conditions under which a statement of the grounds of contest may not be rejected or dismissed for want of form; providing for service of the complaint upon the defendant and any other person named therein and providing a timeframe for filing an answer or response thereto; specifying that the contestant is entitled to an immediate hearing; authorizing the circuit judge to fashion any orders necessary to investigate, examine, or check each allegation, prevent or correct any wrong, and provide any relief appropriate under the circumstances; creating s. 102.171, F.S.; codifying that jurisdiction to hear a contest of the election of a member to either house of the Legislature is vested in the applicable house in accordance with its rules; providing applicability to certain primary elections; amending s. 102.012, F.S., relating to election boards; amending s. 102.031, F.S.; requiring a deputy sheriff at each polling place; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 822** to **HB 281**.

Pending further consideration of **CS for SB 822** as amended, on motion by Senator Carlton, by two-thirds vote **HB 281** was withdrawn from the Committees on Ethics and Elections; and Rules and Calendar.

On motion by Senator Carlton—

HB 281—A bill to be entitled An act relating to election protests and contests; amending s. 102.166, F.S., relating to protests of election returns; revising provisions with respect to the timeframes for filing election protests and requests for manual recounts; eliminating protests of election returns in circuit court; amending s. 102.167, F.S.; deleting the provision that prescribes the form of the protest of election returns to circuit judge, to conform; amending s. 102.168, F.S., relating to election contests; revising the timeframe for filing a contest of election; specifying the grounds authorized for contesting an election; specifying conditions under which a statement of the grounds of contest may not be rejected or dismissed for want of form; providing for service of the complaint upon the defendant and any other person named therein and providing a timeframe for filing an answer or response thereto; specifying that the contestant is entitled to an immediate hearing; authorizing the circuit judge to fashion any orders necessary to investigate, examine, or check each allegation, prevent or correct any wrong, and provide any relief appropriate under the circumstances; creating s. 102.171, F.S.; codifying that jurisdiction to hear a contest of the election of a member to either house of the Legislature is vested in the applicable house in accordance with its rules; providing applicability to certain primary elections; providing an effective date.

—a companion measure, was substituted for **CS for SB 822** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 281** was placed on the calendar of Bills on Third Reading.

On motion by Senator Latvala—

SB 872—A bill to be entitled An act relating to hurricane loss mitigation; providing a short title; creating s. 215.559, F.S.; creating the Hurricane Loss Mitigation Clearing Trust Fund; providing for administration; specifying moneys to be credited to the fund; requiring appropriation of moneys in the fund; providing purposes; specifying uses of such moneys by specified officers and agencies; providing allocations; requiring reports; providing that fund balances carry over to future years; amending s. 215.555, F.S.; requiring the State Board of Administration annually to transfer specified amounts from the Florida Hurricane Catastrophe Fund to the Hurricane Loss Mitigation Clearing Trust Fund; providing an effective date.

—was read the second time by title.

Amendments were considered and failed and amendments were considered and adopted to conform **SB 872** to **HB 975**.

Pending further consideration of **SB 872** as amended, on motion by Senator Latvala, by two-thirds vote **HB 975** was withdrawn from the Committees on Comprehensive Planning, Local and Military Affairs; Banking and Insurance; and Fiscal Policy.

On motion by Senator Latvala, by two-thirds vote—

HB 975—A bill to be entitled An act relating to hurricane loss mitigation; providing a short title; creating s. 215.559, F.S.; creating the Hurricane Loss Mitigation Program; requiring the Legislature to annually appropriate certain moneys from the Hurricane Catastrophe Fund to the Department of Community Affairs for certain purposes; specifying purposes and allocations; requiring allocation of certain moneys to the Operations and Maintenance Trust Fund of the Board of Regents for certain purposes; requiring the department to develop certain programs in consultation with an advisory council; specifying council membership; providing construction; requiring the department to annually provide reports and accounting of certain activities; providing for future repeal; providing an effective date.

—a companion measure, was substituted for **SB 872** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 975** was placed on the calendar of Bills on Third Reading.

On motion by Senator Clary—

CS for SB 1148—A bill to be entitled An act relating to the Florida Building Code; amending s. 161.56, F.S.; making a technical correction; amending s. 468.607, F.S.; providing for continuing validation of certifications of certain building inspectors and plans examiners for a certain period of time; amending s. 468.609, F.S.; clarifying the qualifications of persons eligible to take the certain certification examinations; amending s. 468.617, F.S.; providing nothing prohibits school boards, community colleges, or universities from entering into contracts; amending ss. 489.115, 497.255, 553.06, 553.73, 553.74, 553.141, 553.503, 553.506, 553.512, F.S.; changing references from the Board of Building Codes and Standards to the Florida Building Commission; amending s. 62 of ch. 98-287, Laws of Florida; recognizing that the rule adopting the Florida Building Code may not become final by the 2000 Legislative Session if challenged pursuant to s. 120.56(2), F.S.; specifying effectiveness; amending s. 553.73, F.S.; clarifying the effect on local governments of adopting and updating the Florida Building Code; specifying that amendments to certain standards or criteria are effective statewide only upon adoption by the commission; prohibiting persons who participate in the passage of a local amendment from sitting on a countywide compliance review board; providing for application of a certain edition of the Florida Building Code under certain circumstances; revising requirements for the adoption of technical amendments; amending s. 553.77, F.S.; revising the powers of the commission; correcting a cross-reference; amending s. 553.781, F.S.; clarifying that the Department of Business and Professional Regulation conduct disciplinary investigations and take disciplinary actions; amending s. 553.80, F.S.; deleting a cross-reference; amending s. 553.842, F.S.; clarifying certain provisions relating to product evaluation and approval; amending ss. 633.01, 633.0215, 633.025, F.S.; replacing references to the Department of Insurance with references to the State Fire Marshal; amending s. 633.025, F.S.; clarifying certain provisions relating to smoke detector requirements in residential buildings; amending s. 68 of ch. 98-287, Laws of Florida, to revise a future repeal of certain sections of the Florida Statutes; repealing s. 471.017(3), 489.513(7), F.S.; eliminating a continuing education requirement for engineers and provisions that relieve the department of responsibility for disciplining contractors; amending s. 553.841, F.S.; adding the Building Officials Association of Florida, and the State Fire Marshal to the group responsible for developing the Building Code Training Program; amending s. 553.19, F.S.; providing for certain rules of the Agency for Health Care Administration to be adopted as standards for electrical and alarm systems; providing effective dates.

—was read the second time by title.

Senator Clary moved the following amendments which were adopted:

Amendment 1 (263562)—On page 5, delete lines 14 and 15 and insert: completion of the core curriculum and specialized or advanced module coursework approved by the Florida Building Commission;

Amendment 2 (704758)—On page 6, delete lines 12 and 13 and insert: completion of the core curriculum and specialized or advanced module coursework approved by the Florida Building Commission;

Amendment 3 (680374)—On page 12, delete lines 26 and 27 and insert: 553. When so designated by the Florida Board of Building Commission Codes and Standards, such mausoleum standards shall become a required

Amendment 4 (780694)—On page 14, delete lines 24 and 25 and insert: *If the proposed rule adopting the Florida Building Code has been challenged pursuant to section 120.56(2), Florida Statutes, the Legislature may address the subject of the challenge. The commission*

Amendment 5 (904770)(with title amendment)—On page 27, line 30, after the period (.) insert: *Window protection products reported to comply with the requirements of the Standard Building Code (1997 Edition) or the South Florida Building Code (Broward and Dade Edition) or otherwise certified or approved for statewide or local use by an approved product evaluation entity must be included on all new schools. Although all new schools are not required to be designed as enhanced hurricane protection areas, all new schools must include window protection to further ensure their survivability.*

And the title is amended as follows:

On page 2, line 13, delete “clarifying” and insert: amending

Amendment 6 (273770)—On page 31, between lines 3 and 4, insert:

(8) Any local amendment adopted by a local government must be transmitted within 30 days by the adopting local government to the Florida Building Commission.

(Renumber subsequent subsections.)

Amendment 7 (443946)—On page 34, line 15, delete “553.79” and insert: 553.79(14)

Amendment 8 (793512)(with title amendment)—On page 37, between lines 11 and 12, insert:

Section 29. (1) The select committee to investigate and establish firesafety evaluation system criteria for the cost-effective application of fire codes and fire code alternatives for existing educational facilities which was established by chapter 98-287, Laws of Florida, is authorized to continue its work. Committee appointment authority established in chapter 98-287, Laws of Florida, continues even if any position on the select committee becomes vacant. Members of the committee shall serve at their own expense except that state employees shall be reimbursed from existing budgets for travel costs incurred.

(2) The sum of \$80,000 is allocated from the Insurance Commissioner's Regulatory Trust Fund to the Division of State Fire Marshal for the purposes of providing training and education on the application of the firesafety evaluation system for existing educational facilities to those impacted by its use. The Division of State Fire Marshal shall cause the firesafety evaluation system for educational facilities to be reviewed for inclusion in the Florida Fire Prevention Code as an acceptable alternative to code compliance.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 3, after the semicolon (;) insert: authorizing the continuation of the select committee to investigate and establish certain firesafety evaluation system criteria; providing an appropriation; providing responsibilities of the Division of State Fire Marshal;

Pursuant to Rule 4.19, **CS for SB 1148** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Bronson—

CS for SB 1626—A bill to be entitled An act relating to the World Bowling Village facility; amending s. 212.20, F.S.; providing for distribu-

tion of a portion of revenues from the tax on sales, use, and other transactions to such facility; creating s. 288.1171, F.S.; providing for certification of such facility by the Office of Tourism, Trade, and Economic Development of the Executive Office of the Governor; providing requirements for certification; providing for use of the funds distributed to the facility; requiring specified notice; providing a time limit for opening the facility; specifying when distribution of funds begins; providing for audits by the Department of Revenue; providing for periodic recertification; abating or reducing funding under certain circumstances; providing for the creation of new Florida jobs; providing an effective date.

—was read the second time by title.

Senator Bronson moved the following amendment which was adopted:

Amendment 1 (221854)—On page 5, between lines 27 and 28, insert:

(g) The World Bowling Village facility applicant has submitted an agreement to provide \$2 million annually in national and international media promotion of the World Bowling Village facility, Florida, Central Florida, and Florida tourism through the World Bowling Village facility at the then current commercial rate, during the period of time that the facility receives funds pursuant to s. 212.20. The Office of Tourism, Trade and Economic Development and the World Bowling Village facility must agree annually on a reasonable percentage of advertising specifically allocated for generic Florida advertising. Failure on the part of the World Bowling Village facility to annually provide the advertising as provided in this paragraph shall result in the termination of funding as provided in s. 212.20.

Pursuant to Rule 4.19, **CS for SB 1626** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Horne, by two-thirds vote **CS for HB 345** was withdrawn from the Committees on Education and Fiscal Resource.

On motion by Senator Horne, by two-thirds vote—

CS for HB 345—A bill to be entitled An act relating to the educational property tax exemption; amending s. 196.198, F.S.; providing circumstances in which land is considered to be property owned by an educational institution; providing an effective date.

—a companion measure, was substituted for **CS for SB 974** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 345** was placed on the calendar of Bills on Third Reading.

On motion by Senator Lee—

SB 1040—A bill to be entitled An act relating to historical resources; amending s. 607.1901, F.S.; increasing the amount transferred each fiscal year from the Corporations Trust Fund to the Historical Resources Operating Trust Fund for purposes of funding historical museum programs in this state; correcting a cross-reference; providing an effective date.

—was read the second time by title.

The Committee on Fiscal Policy recommended the following amendment which was moved by Senator Lee and adopted:

Amendment 1 (481864)(with title amendment)—On page 1, delete lines 13-25 and insert:

Section 1. Paragraph (g) of subsection (2) of section 607.1901, Florida Statutes, is amended to read:

607.1901 Corporations Trust Fund creation; transfer of funds.—

(2)

(g) The division shall transfer from the trust fund to the Historical Resources Operating Trust Fund, quarterly, prorrations transferring \$2 million each fiscal year, to be used as provided in s. 267.0617 ~~267.0674~~.

Section 2. *The sum of \$500,000 is appropriated for Fiscal Year 1999-2000 from the General Revenue Fund to the Department of State for the purpose of funding historical museum programs.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, delete lines 3-6 and insert: amending s. 607.1901, F.S.; correcting a cross-reference; providing an appropriation for the purposes of

Pursuant to Rule 4.19, **SB 1040** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Thomas—

CS for SB 2066—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending s. 501.913, F.S., relating to the registration of brands of antifreeze distributed in the state; providing that the registrant assumes responsibility for the product's quality; amending s. 501.916, F.S.; revising requirements for labeling antifreeze; amending s. 501.919, F.S.; providing for notice to be given to the violator of ss. 501.91-501.923, F.S.; amending s. 501.922, F.S.; authorizing the department to impose additional penalties; repealing s. 531.54, F.S., relating to salaries and expenses of enforcing ch. 531, F.S., the Weights and Measures Act of 1971; amending s. 570.191, F.S., relating to the Agricultural Emergency Eradication Trust Fund; providing for funds to be used for other agricultural interests; repealing s. 570.46(5), F.S., relating to duties of the Division of Standards with respect to verifying certain testing samples; amending s. 570.48, F.S.; authorizing the Division of Fruit and Vegetables to certify and supervise certain inspectors; repealing s. 570.952(5), F.S., relating to the Florida Agriculture Center and Horse Park Authority; amending s. 571.24, F.S., relating to the Florida Agricultural Promotional Campaign; providing for measures to ensure only Florida agricultural products are marketed under logos of the promotional campaign; amending s. 571.27, F.S., relating to rules for entering into contracts for services directly related to the Florida Agricultural Promotional Campaign; authorizing the department to determine by rule the logos to be depicted for use in advertising agricultural products marketed under the promotional campaign; amending s. 571.29, F.S., relating to the Florida Agricultural Promotional Campaign; relating to unlawful acts pertaining to the promotional campaign; creating s. 571.30, F.S.; providing for injunction remedies to the department for violations of provisions of the Florida Agricultural Promotional Campaign; amending s. 588.011, F.S.; revising legal fence requirements; amending s. 589.081, F.S.; revising requirements for payments to counties within the Withlacoochee State Forest and Goethe State Forest by the Division of Forestry; amending s. 593.1141, F.S.; conforming a reference to the Farm Service Agency for purposes of certain agreements of the department; amending s. 616.05, F.S.; providing requirements for fair associations in publishing proposed amendments to a charter; amending s. 616.07, F.S.; providing that property held in trust by a fair association is exempt from special assessments; amending s. 616.08, F.S.; clarifying provisions authorizing a fair association to sell, mortgage, or lease property; amending s. 616.13, F.S.; revising certain restrictions on temporary amusement rides with respect to location of operation; deleting a license tax imposed on such rides; amending s. 616.15, F.S.; providing additional requirements for obtaining a permit to conduct a public fair or exposition; requiring that the department give preference to established fair associations in issuing permits; amending s. 616.242, F.S., relating to safety standards for amusement rides; revising requirements for the application for a permit to operate a ride; revising requirements for the department in setting permit fees; requiring that certain notices be posted at entrances to amusement rides; prohibiting bungy catapulting or reverse bungy jumping; amending s. 616.260, F.S.; providing that the Florida State Fair Authority is exempt from special assessments; providing that certain special assessments are not due from a fair association or state fair; amending s. 823.14, F.S.; clarifying the definition of the term "farm product" for purposes of the Florida Right to Farm Act; creating the Pest Exclusion Advisory Committee within the department; providing for membership; providing for governance of the committee; requiring that the committee conduct certain evaluations and studies; requiring a report to the Governor, the Legislature, and the Commissioner of Agriculture; amending s. 828.125, F.S.; revising provisions relating to the killing or aggravated abuse of registered breed horses or cattle; providing an effective date.

—was read the second time by title.

Senator Thomas moved the following amendments which were adopted:

Amendment 1 (092920)—On page 5, delete lines 13-22 and insert:

Section 3. Subsection (3) of section 501.919, Florida Statutes, is amended to read:

501.919 Enforcement; stop-sale order.—

(3) Nothing in this act shall be construed to require the department to report for prosecution or for institution of libel proceedings any minor violations of the act whenever it believes that the public interest will be best served by a suitable notice of warning in writing to the *violation registrant or the person whose name and address appears on the label*.

Amendment 2 (793310)—On page 7, delete lines 22-24 and insert:

Section 9. Subsections (5) and (6) of section 570.952, Florida Statutes, 1998 Supplement, are amended to read:

570.952 Florida Agriculture Center and Horse Park Authority.—

~~(5) A majority of the members shall constitute a quorum, and action by a majority of a quorum shall be official.~~

~~(5)(6)~~ Beginning January 1, 1995, The commissioner shall submit information annually to the Speaker of the House of Representatives and the President of the Senate reporting the activities of the Florida Agriculture Center and Horse Park Authority and the progress of the Florida Agriculture Center and Horse Park, including, but not limited to, pertinent planning, budgeting, and operational information concerning the authority.

Amendment 3 (393678)—On page 14, line 26, delete “temporary” and insert: *other*

Amendment 4 (194000)—On page 17, line 26 through page 23, line 13, delete those lines and insert:

Section 22. Paragraph (b) of subsection (5), paragraph (a) of subsection (8), and paragraph (a) of subsection (10) of section 616.242, Florida Statutes, 1998 Supplement, are amended, paragraph (i) is redesignated as paragraph (j), a new paragraph (i) is added to subsection (11), and paragraph (e) is added to subsection (17) of said section, to read:

616.242 Safety standards for amusement rides.—

(5) ANNUAL PERMIT.—

(b) To apply for an annual permit an owner must submit to the department a written application on a form prescribed by rule of the department, which must include the following:

1. The legal name, address, and primary place of business of the owner.
2. A description, manufacturer’s name, serial number, model number and, if previously assigned, the United States Amusement Identification Number of the amusement ride.
3. A valid certificate of insurance or bond for each amusement ride.
4. An affidavit of compliance that the amusement ride was inspected in person by the affiant and that the amusement ride is in general conformance with the requirements of this section and all applicable rules adopted by the department. The affidavit must be executed by a professional engineer or a qualified inspector no earlier than 60 days before, *but not later than*, the date of the filing of the application with the department. *The owner shall request inspection and permitting of the amusement ride within 60 days of the date of filing the application with the department. The department shall inspect and permit the amusement ride within 60 days of the date the affidavit was executed.*
5. If required by subsection (6), an affidavit of nondestructive testing dated and executed no earlier than 60 days prior to, *but not later than*, the date of the filing of the application with the department. *The owner shall request inspection and permitting of the amusement ride within 60 days of the date of filing the application with the department. The department shall inspect and permit the amusement ride within 60 days of the date the affidavit was executed.*

6. A request for inspection.

7. *Upon request, the owner shall, at no cost to the department, provide the department a copy of the manufacturer’s current recommended operating instructions in the possession of the owner, the owner’s operating fact sheet, and any written bulletins in the possession of the owner concerning the safety, operation, or maintenance of the amusement ride.*

(8) FEES.—

(a) The department ~~may~~ shall by rule establish fees to cover ~~the 400 percent of all costs and expenditures associated with the Bureau of Fair Rides Inspection, including all direct costs, and all indirect costs, and all division, data center, and administrative overhead.~~ The fees must be deposited in the General Inspection Trust Fund.

(10) EXEMPTIONS.—

(a) This section does not apply to:

1. Permanent facilities that employ at least 1,000 full-time employees and that maintain full-time, in-house safety inspectors. Furthermore, the permanent facilities must file an affidavit of the annual inspection ~~with the department, on a form prescribed by rule of the department required by paragraph (5)(b).~~ Additionally, the Department of Agriculture and Consumer Services may consult annually with the permanent facilities regarding industry safety programs.
2. Any playground operated by a school, local government, or business licensed under chapter 509, if the playground is an incidental amenity and the operating entity is not primarily engaged in providing amusement, pleasure, thrills, or excitement.
3. Museums or other institutions principally devoted to the exhibition of products of agriculture, industry, education, science, religion, or the arts.

4. Conventions or trade shows for the sale or exhibit of amusement rides if there are a minimum of 15 amusement rides on display or exhibition, and if any operation of such amusement rides is limited to the registered attendees of the convention or trade show.

5. Skating rinks, arcades, lazer or paint ball war games, bowling alleys, miniature golf courses, mechanical bulls, inflatable rides, trampolines, ball crawls, exercise equipment, jet skis, paddle boats, air boats, helicopters, airplanes, parasails, hot air or helium balloons whether tethered or untethered, theatres, batting cages, stationary spring-mounted fixtures, rider-propelled merry-go-rounds, games, side shows, live animal rides, or live animal shows.

6. Go-karts operated in competitive sporting events if participation is not open to the public.

7. Nonmotorized playground equipment that is not required to have a manager.

8. Coin-actuated amusement rides designed to be operated by depositing coins, tokens, credit cards, debit cards, bills, or other cash money and which are not required to have a manager, and which have a capacity of six persons or less.

9. Facilities described in s. 549.09(1)(a) when such facilities are operating cars, trucks, or motorcycles only.

(11) INSPECTION STANDARDS.—An amusement ride must conform to and must be inspected by the department in accordance with the following standards:

(i) *Signs that advise or warn patrons of age restrictions, size restrictions, health restrictions, weight limitations, or any other special consideration or use restrictions required or recommended for the amusement ride by the manufacturer shall be prominently displayed at the patron entrance of each amusement ride.*

(17) PROHIBITIONS RELATED TO BUNGY OPERATIONS.—The following bungee operations are prohibited:

(e) *The practice of bungee catapulting or reverse bungee jumping.*

Senator Thomas moved the following amendment which failed:

Amendment 5 (494658)(with title amendment)—On page 24, between lines 15 and 16, insert:

Section 26. Subsection (4) is added to section 828.12, Florida Statutes, to read:

828.12 Cruelty to animals.—

(4) A person who intentionally trips, fells, ropes, or lassoes the legs of a horse by any means for the purpose of entertainment or sport shall be guilty of a third degree felony, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. As used in this subsection, "trip" means any act that consists of the use of any wire, pole, stick, rope or other apparatus to cause a horse to fall or lose its balance, and "horse" means any animal of any registered breed of the genus equus, or any recognized hybrid thereof. The provisions of this subsection shall not apply when tripping is used:

(a) To control a horse that is posing an immediate threat to other livestock or human beings;

(b) For the purpose of identifying ownership of the horse when its ownership is unknown; or

(c) For the purpose of administering veterinary care to the horse.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 24, after the semicolon (;) insert: amending s. 828.12, F.S.; revising provisions relating to cruelty to animals;

RECONSIDERATION OF AMENDMENT

On motion by Senator Latvala, the Senate reconsidered the vote by which **Amendment 5** failed. **Amendment 5** was adopted.

Senator Thomas moved the following amendment which was adopted:

Amendment 6 (895748)—On page 24, line 16 through page 26, line 25, delete those lines and insert:

Section 26. Section 570.235, Florida Statutes, is created to read:

570.235 Pest Exclusion Advisory Committee.—

(1) There is created within the department a Pest Exclusion Advisory Committee. The advisory committee shall be composed of 24 members.

(a) The Commissioner of Agriculture shall appoint 17 members representing the following:

1. Two members from the Florida Department of Agriculture and Consumer Services.

2. Two citizens at large.

3. One member from each of the following agricultural production groups:

a. Row crops.

b. Citrus.

c. Horticulture.

d. Forestry.

e. Cattle.

f. Dairy.

g. Pork.

h. Poultry.

i. Horses.

j. Aquaculture.

k. Apiary.

4. One member representing research programs in the state's land grant institutions.

5. One member representing extension programs in the state's land grant institutions.

(b) In addition, the committee shall be composed of the following 7 members:

1. Two members representing and appointed by the Animal and Plant Health Inspection Service, United States Department of Agriculture.

2. One member representing and appointed by the Florida Department of Health.

3. One member representing and appointed by the Florida Department of Environmental Protection.

4. One member representing and appointed by the Florida Game and Fresh Water Fish Commission.

5. One member appointed by the Speaker of the House of Representatives.

6. One member appointed by the President of the Senate.

(2) The advisory committee shall be governed by the provisions of s. 570.0705 and shall have the responsibility of reviewing and evaluating the state's existing and future exclusion, detection, and eradication programs. The Commissioner of Agriculture shall appoint the chair of the committee. In evaluating the programs, the advisory committee shall:

(a) Require the scientific community to provide necessary scientific background on Florida's programs. Using such information, the committee shall evaluate the scientific basis for the programs.

(b) Review current Florida laws and regulations and recommend changes.

(c) Identify exotic plants and pests in foreign countries that pose a significant threat to consumer safety and have a high likelihood of being introduced into the state.

(d) Identify high-risk areas for pest introduction and offer recommendations for specific programmatic activities to address such risk.

(e) Study the possibility of partnerships with other public and private entities to develop programs, projects, and activities which may be cost effective and which may assist in implementing a pest exclusion program.

(f) Address any area of concern that is raised regarding the state's pest exclusion, detection, and eradication program.

(g) Make recommendations to the Commissioner of Agriculture, the Governor, the Speaker of the House of Representatives, and the President of the Senate for needs and changes in these programs, including funding requirements and needs.

(3) The committee shall issue a report of its findings to the Commissioner of Agriculture, the Governor, the Speaker of the House of Representatives, and the President of the Senate by January 1, 2001.

(Redesignate subsequent sections.)

Senator Geller moved the following amendment which was adopted:

Amendment 7 (385348)(with title amendment)—On page 27, between lines 9 and 10, insert:

Section 28. Paragraph (d) of subsection (7) of section 212.08, Florida Statutes, 1998 Supplement, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(7) MISCELLANEOUS EXEMPTIONS.—

(d) Feeds.—Feeds for poultry, ostriches, and livestock, including racehorses, *racing greyhounds*, and dairy cows, are exempt.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 3, after the semicolon (;) insert: amending s. 212.08, F.S.; providing a sales tax exemption for racing greyhound feed;

Senator Thomas moved the following amendments which were adopted:

Amendment 8 (641056)(with title amendment)—On page 27, between lines 9 and 10, insert:

Section 28. Section 581.184, Florida Statutes, is amended to read:

581.184 Promulgation of rules; citrus canker eradication; voluntary destruction agreements; *buffer zone*.—

(1) In addition to the powers and duties set forth under this chapter the department is directed to adopt rules specifying facts and circumstances that, if present, would require the destruction of plants for purposes of eradicating, controlling, or preventing the dissemination of citrus canker disease in the state. In addition, the department is directed to adopt rules regarding the conditions under which citrus plants can be grown, moved, and planted in this state as may be necessary for the eradication, control, or prevention of the dissemination of citrus canker. Such rules shall be in effect for any period during which, in the judgment of the Commissioner of Agriculture, there is the threat of the spread of citrus canker disease in the state. Such rules may provide for the conduct of any activity regulated by such rules subject to an agreement by persons wishing to engage in such activity to voluntarily destroy, at their own expense, citrus plants declared by the department to be imminently dangerous by reason of being infected or infested with citrus canker or exposed to infection and likely to communicate same. The terms of such agreement may also require the destruction of healthy plants under specified conditions. Any such destruction shall be done after reasonable notice in a manner pursuant to and under conditions set forth in the agreement. Such agreements may include releases and waivers of liability and may require the agreement of other persons.

(2) *The department, pursuant to s. 581.031(15) and (17), may create a citrus canker host-free buffer area, delineated by department rule, to retard the spread of citrus canker from known infected areas. In addition, the department shall develop a compensation plan for the trees removed from the buffer area. Compensation for the trees removed from the buffer area is subject to annual legislative appropriation.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 3, after the semicolon (;) insert: amending s. 581.184, F.S.; establishing a citrus canker-free buffer zone;

Amendment 9 (830868)(with title amendment)—On page 27, between lines 9 and 10, insert:

Section 31. Section 588.12, Florida Statutes, is amended to read:

588.12 Livestock at large; legislative findings.—There is hereby found and declared a necessity for a statewide livestock law embracing all ~~lands public roads~~ of the state and necessity that its application be uniform throughout the state, except as hereinafter provided.

Section 32. Subsection (3) of section 588.13, Florida Statutes, is amended to read:

588.13 Definitions.—In construing ss. 588.12-588.25 the following words, phrases, or terms shall be held to mean:

(3) Livestock “running at large” or “straying” shall mean any livestock found or being on any *public land, or land belonging to a person other than the owner of the livestock, without the landowner’s permission, and posing a threat to public safety public road of this state and either apparently a neglected animal or not under manual control of a person.*

Section 33. *Section 588.14, Florida Statutes, is repealed.*

Section 34. Section 588.16, Florida Statutes, is amended to read:

588.16 Authority to impound livestock running at large or strays.—It shall be the duty of the sheriff or her or his deputies *or designees*, or any other law enforcement officer of the county, the county animal control center, or state highway patrol officers, where livestock is found to be running at large or straying, to take up, confine, hold, and impound any such livestock, to be disposed of as hereinafter provided.

Section 35. Subsection (1) of section 588.17, Florida Statutes, is amended to read:

588.17 Disposition of impounded livestock.—

(1) Upon the impounding of any livestock by the sheriff or his or her deputies *or designees*, or any other law enforcement officers of the county, the county animal control center, or state highway patrol officers, the sheriff shall forthwith serve written notice upon the owner, advising such owner of the location or place where the livestock is being held and impounded, of the amount due by reason of such impounding, and that unless such livestock be redeemed within 3 days from date thereof that the same shall be offered for sale.

Section 36. Section 588.18, Florida Statutes, is amended to read:

588.18 Livestock at large; fees.—The fees allowed for impounding, serving notice, care and feeding, advertising, and disposing of impounded animals shall be *determined by the sheriff of each county. Damages done by the sheriff, sheriff’s designees, or any other law enforcement officer in pursuit, or in the capture, handling, or care of the livestock are the sole responsibility of the sheriff or other law enforcement agency. as follows:*

~~(1) For impounding each animal, the sum of \$20 and mileage incurred, at the rate of 20 cents per mile.~~

~~(2) For serving any notice and making return thereon, the sum of \$10 and mileage incurred, at the rate of 20 cents per mile.~~

~~(3) For feed and care of impounded animals, the sum of \$5 per day per animal.~~

~~(4) For advertising or posting notices of sale of impounded animals, the same as provided by law for advertising property for sale under process.~~

~~(5) For sale or other dispositions of impounded animals, the sum of \$5.~~

~~(6) For report of sale of impounded animals, the sum of \$2.50.~~

Section 37. Section 588.19, Florida Statutes, is amended to read:

588.19 Failure to secure purchaser or insufficient funds to defray certain costs.—If there be no bidder for such livestock at the sale aforesaid, *and the sheriff has been unable to locate the owner through the notice procedures described in this chapter, the sheriff shall sell the livestock at the nearest livestock auction yard. The proceeds from the sale shall be used to reimburse the expenses incurred in capturing, maintaining and selling the livestock, and in attempting to locate the owner. Any money remaining after all expenses are paid shall be given to the owner of the livestock, if known. the sheriff shall either offer the livestock for adoption or kill, or cause to be killed, the same and shall dispose of the carcass thereof; if there be any money received by him or her on account of the said disposal, the same shall be disbursed in the manner hereinafter provided; and, if there be no ready sale for said carcass, In the alternative, the sheriff may shall forthwith deliver the carcass to a public institution of the county, state, or municipality within said county or to any private charitable institution, in the order herein set forth, according to their needs.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 3, after the semicolon (;) insert: amending s. 588.12, F.S.; revising legislative findings of livestock at large; revising definitions; repealing s. 588.14, F.S.; relating to duty of owners; amending s. 588.16, F.S.; amending authority to impound livestock running at large; amending s. 588.17, F.S.; revising disposition of impounded livestock; amending s. 588.18, F.S.; revising fees for livestock at large; amending s. 588.19, F.S.; revising procedures for defraying costs incurred in impoundment;

Senator Dyer moved the following amendment which was adopted:

Amendment 10 (920340)(with title amendment)—On page 27, between lines 9 and 10, insert:

Section 28. Section 501.025, Florida Statutes, is amended to read:

501.025 Home solicitation sale; buyer's right to cancel.—In addition to any other right to revoke an offer, the buyer has the right to cancel a home solicitation sale until midnight of the third business day after the day on which the buyer signs an agreement or offer to purchase. Cancellation is evidenced by the buyer giving written notice of cancellation in person, by telegram, or by mail to the seller at the address stated in the agreement or offer to purchase. The written notice of cancellation given by mail shall be effective upon postmarking. The notice of cancellation need not take a particular form and is sufficient if it indicates by any form of written expression the intention of the buyer not to be bound by the home solicitation sale. Notice of a buyer's right to cancel must appear on every note or other evidence of indebtedness given pursuant to any home solicitation sale. *For the purposes of this section, unless a mortgage also creates the buyer's promise to pay the secured debt, it is not an evidence of indebtedness.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 3, following the semicolon (;) insert: amending s. 501.025, F.S.; clarifying provisions relating to home solicitation sale and buyer's right to cancel;

Senator Thomas moved the following amendment which was adopted:

Amendment 11 (092440)—On page 27, delete lines 10 and 11 and insert:

Section 28. This act shall take effect July 1, 1999.

Senator Kirkpatrick moved the following amendment which was adopted:

Amendment 12 (605948)(with title amendment)—On page 27, between lines 9 and 10, insert:

Section 39. Paragraph (a) of subsection (4) of section 253.7825, Florida Statutes, is amended to read:

253.7825 Recreational uses.—

(4)(a) A horse park-agricultural center may be constructed by or on behalf of the Florida Department of Agriculture and Consumer Services on not more than ~~500~~ 250 acres of former canal lands ~~which meet the criteria for surplus lands and which lie outside the greenways boundary.~~

And the title is amended as follows:

On page 4, line 3, after the semicolon (;) insert: amending s. 253.7825, F.S.; providing acreage requirements for a horse park-agricultural center;

Pursuant to Rule 4.19, **CS for SB 2066** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Webster, by two-thirds vote **CS for HB 1707** was withdrawn from the Committees on Governmental Oversight and Productivity; and Fiscal Policy.

On motion by Senator Webster, by two-thirds vote—

CS for HB 1707—A bill to be entitled An act relating to the Department of Management Services; amending s. 20.22, F.S.; revising the organizational structure of the department relating to labor organizations; amending s. 110.1099, F.S.; providing conditions for the reimbursement of training expenses by an employee; amending s. 110.112, F.S.; revising reporting requirements; amending s. 110.1245, F.S.; revising reporting requirements; increasing the cap on meritorious service awards; amending s. 110.131, F.S.; authorizing the designee of an agency head to extend the other-personal-services employment of a health care practitioner; amending s. 110.151, F.S.; modifying duties of state agencies for child care programs sponsored by the agencies; amending s. 110.181, F.S.; providing that the fiscal agent for the Florida

State Employees' Charitable Campaign need not reimburse costs under specified conditions; amending s. 110.201, F.S.; providing for adoption of rules; providing for a workforce report; amending s. 110.205, F.S.; authorizing the Department of Management Services to designate specified employees within the Governor's Office to have salaries and benefits in accordance with the rules of Senior Management Service; authorizing specified employees to have benefits comparable to legislative employees; conforming provisions to changes made by the act; providing for the designation of Senior Management Service exempt positions; repealing s. 110.207(1)(g), F.S., relating to statewide planning of career service broadbanding compensation and classification; amending s. 110.209, F.S.; adding critical market pay to the list of pay additives; requiring certain pay implementations to be subject to review and recommendation by the Department of Management Services and approval by the Office of Planning and Budgeting; amending s. 110.235, F.S.; deleting a requirement for a report; amending s. 110.503, F.S.; allowing agencies to incur expenses to recognize the service of volunteers; amending s. 110.504, F.S.; providing a limitation on volunteer awards; amending s. 110.605, F.S.; providing a uniform appraisal system for employees and positions in the Selected Exempt Service; amending s. 112.061, F.S.; authorizing the designee of an agency head to approve specified expenses for employees; amending s. 112.3145, F.S.; redefining the terms "local officer" and "specified state employee" for purposes of financial disclosure requirements; amending s. 215.196, F.S.; revising the organizational structure of the department relating to the Architects Incidental Trust Fund; amending s. 215.422, F.S.; deleting a vendor's right to the name of an ombudsman; amending s. 216.011, F.S.; redefining the term "operating capital outlay"; amending s. 255.25, F.S.; exempting certain leases from the competitive bidding process; amending ss. 255.249 and 255.257, F.S.; revising the threshold for leased space facility requirements; amending s. 267.075, F.S.; revising the membership of The Grove Advisory Council; amending s. 272.18, F.S.; revising the membership of the Governor's Mansion Commission; amending s. 272.185, F.S.; revising the organizational structure of the department relating to maintenance of the Governor's Mansion; amending s. 273.02, F.S.; increasing the value of property required to be inventoried by custodians; amending s. 273.055, F.S.; providing for the disbursement of moneys received from disposition of state-owned tangible personal property; amending ss. 281.02, 281.03, 281.04, 281.05, 281.06, and 281.08, F.S.; including reference to the Florida Capitol Police; amending s. 281.07, F.S.; revising the organizational structure of the department relating to the capitol police; amending s. 282.105, F.S., relating to use of State Suncom Network by nonprofit schools; amending s. 282.1095, F.S.; authorizing the Department of Management Services to acquire a state agency law enforcement radio system; authorizing the Joint Task Force on State Agency Law Enforcement Communications to advise the department regarding the system; deleting obsolete provisions; amending ss. 320.0802 and 327.25, F.S.; removing the time limits on the surcharges used to fund the system; removing obsolete provisions; amending s. 282.322, F.S.; amending the requirements for written reports on designated information resources management projects; amending s. 282.3091, F.S.; revising the membership of the State Technology Council; amending s. 282.111, F.S.; revising the organizational structure of the department relating to the statewide system of regional law enforcement communications; amending s. 287.017, F.S.; increasing purchasing category threshold amounts; amending s. 287.042, F.S.; revising the organizational structure of the department relating to the purchasing of goods and services; amending s. 287.057, F.S.; revising the organizational structure of the department relating to the procurement of insurance; amending s. 287.151, F.S.; revising purchasing requirements for certain state motor vehicles; amending ss. 287.16 and 287.18, F.S.; revising the organizational structure of the department relating to motor vehicles, watercraft, and aircraft; requiring a report on break-even mileage to be submitted biennially to agency inspectors general; amending s. 287.17, F.S.; providing definitions; providing criteria to be followed by an agency head in assigning a state-owned motor vehicle to an employee; requiring a report from agency heads on employee use of state motor vehicles; amending s. 365.171, F.S.; designating the director of the statewide emergency telephone number "911"; amending ss. 401.021 and 401.027, F.S.; designating the director of the statewide telecommunications system of the regional emergency medical service; amending s. 446.604, F.S.; providing for Government Services Direct to be included in the plan for One-Stop Career Centers; amending s. 447.208, F.S.; providing for the determination of attorney's fees in certain cases; repealing ch. 98-310, Laws of Florida, relating to evaluation of the state contract for air carrier service; authorizing the department to negotiate air services to and from Tallahassee and other cities; repealing ss. 110.407 and 110.607, F.S., which provide for performance audits; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2410** and by two-thirds vote read the second time by title.

Senator Lee moved the following amendment which was adopted:

Amendment 1 (372208)(with title amendment)—On page 51, between lines 26 and 27, insert:

Section 57. Section 230.23162, Florida Statutes, 1998 Supplement, is amended to read:

230.23162 Residential public education facility.—

(1) Ownership of the facility and related assets authorized under former s. 985.402, is transferred to the Department of Management Services. The Department of Management Services shall direct change orders in existing construction contracts necessary to complete construction to the extent necessary to stabilize assets and prepare the facility for future utilization. The Department of Management Services shall provide administrative, site inspection, and security services as necessary to carry out the provisions of this section. The Department of Management Services shall have access to all state funds previously appropriated to the Alternative Education Institute for this purpose.

(a) *The Department of Management Services shall continue to work with contractors to weatherize, close in, and stabilize the facility, protect the assets, and resolve any claims regarding the facility.*

(b) *The Department of Management Services should continue to facilitate interest by private entities or public entities capable of serving as either owner, occupant, or fiscal agent for a public-private partnership. Any entity, public, private, or a public-private partnership, must meet all of the criteria specified in the revised Department of Management Services Request for Proposal dated August 21, 1998, and issued pursuant to chapter 98-209, Laws of Florida.*

(2) *The Department of Management Services, in cooperation with the relevant state agencies, is directed to continue to receive and evaluate proposals for the use or transfer of the facility described in subsection (1) and, after taking into account local and state concerns and interests, may make a final disposition for use or transfer of such facility, subject to the notice, review, and objection procedures of s. 216.177. Any unexpended balance of funds appropriated from Specific Appropriation 2012A of chapter 94-357, Laws of Florida, remaining after dry-in and stabilization may be expended, consistent with the provisions of this section, for completion of the facility in connection with the disposition or transfer of the facility.*

(a) *The Department of Management Services shall continue to invite public-agency proposals and related funding requests, from either state or local agencies, to provide an education program for nonadjudicated youth, and also to continue to encourage other proposals and funding requests consistent with state and local community needs and concerns.*

(b) *Upon request, the Department of Management Services shall continue to work with project proposers who submitted proposals, and an addendum to proposals, to the working group pursuant to chapter 98-209, Laws of Florida.*

(c) *In considering proposals, the Department of Management Services and the Legislature shall take into account local and state interests and concerns.*

(2)(a) ~~A working group is formed to develop a plan for the use of the facility and to develop a request for proposals or request for information for operation of the program by a private contractor. The working group shall be composed of eight members: one member each from the Department of Education, Department of Juvenile Justice, and Department of Children and Family Services; one member appointed by the President of the Senate; one member appointed by the Speaker of the House of Representatives; one representative of the 13th judicial circuit of Hillsborough County, to be appointed by the Chief Circuit Judge; one representative of the Hillsborough School District, and one representative from local law enforcement to be appointed by the Sheriff of Hillsborough County. The Department of Education shall provide administrative support for the working group.~~

(b) ~~The group shall assess needs of categories of clients served by the member agencies in evaluating possible uses for the facility in meeting the needs of the clients. The group shall identify client categories that may be served through the use of the facility, shall outline a program~~

~~structure, and shall make further recommendations, including a proposed private provider for implementation. The group should consider previous recommendations for use of the facility, and shall specifically consider the viability of prior proposals submitted for use of the facility in the fiscal year 1997-1998. The group shall be formed and activated when this act becomes law.~~

~~(3) The Department of Management Services shall survey state agencies, and shall invite bids and proposals from state agencies, local government agencies, federal agencies, and the private sector for the use or disposition of the facility and related assets, no later than June 15, 1998. Notwithstanding any law to the contrary, the Department of Management Services shall set a deadline for receipt of bids and proposals of not less than 3 months after the invitation for bids and proposals is advertised. By October 1, 1998, the Department of Management Services shall evaluate all bids and proposals and make a recommendation to the working group created under this section regarding proposed uses for the facility, taking into account local and state interests and concerns.~~

~~(4) Taking into consideration the recommendation of the Department of Management Services, and local and state concerns and interests, the working group shall, no later than November 1, 1998, make a final determination for the use or disposition of the facility and related assets planned, constructed, acquired, and equipped pursuant to Specific Appropriation 2012A of the 1994-1995 General Appropriations Act, and shall be disbanded upon that date. Such determination shall be subject to the notice, review, and objection procedures of s. 216.177. If the final determination made by the working group is objected to under s. 216.177, the final determination for the facility and related assets shall be made by the Legislature during the 1999 Regular Session.~~

~~(Redesignate subsequent sections.)~~

And the title is amended as follows:

On page 5, line 17, after the semicolon (;) insert: amending s. 230.23162, F.S.; directing the department to seek proposals for the use or transfer of a specified state facility; requiring the department to take steps to preserve the facility;

Senator Diaz-Balart moved the following amendment:

Amendment 2 (460444)(with title amendment)—On page 51, between lines 26 and 27, insert:

Section 57. Effective July 1, 1999, section 110.1315, Florida Statutes, is created to read:

110.1315 Alternative benefits; other-personal-services employees.— Upon review and recommendation of the department and approval of the Governor, the department may contract for the implementation of an alternative retirement income security program for eligible temporary and season employees of the state which is funded from appropriations for other personal services. The contract may provide for a private vendor or vendors to administer the program under a defined-contribution plan under s. 401(a), 403(b), or 457 of the Internal Revenue Code, and the program must provide retirement benefits as required under s. 3121(b)(7)(f) of the Internal Revenue Code. The department may develop a request for proposals or invitation to negotiate and solicit qualified vendors to compete for the award of the contract. The vendor shall be selected on the basis of the plan that best serves the interests of the participating employees and the state. The proposal must comply with all necessary federal and state laws and rules. The proposal must be reviewed by the State Board of Administration, which shall advise the department with respect to the findings of that review.

Section 58. Effective July 1, 1999, section 110.1316, Florida Statutes, is created to read:

110.1316 Alternative benefits; tax-sheltered annual-leave and sick-leave payments.— Upon review and recommendation of the department and approval by the Governor, the department may contract for the implementation of a tax-sheltered plan for state employees who are eligible for payment for accumulated sick leave or annual leave at termination of employment. The contract may provide for a private vendor or vendors to administer the plan and the plan must provide retirement benefits in a manner that minimizes the tax liability of the participants. The plan must be funded by employer contributions of payments for accumulated sick leave or annual leave. The plan must have received all necessary federal and state approval as required by law and must comply with the provisions of s. 112.65. The request for proposals may require that the

vendor or vendors provide market risk or volatility ratings from recognized rating agencies for each of its investment products. The proposal must be reviewed by the State Board of Administration, which shall advise the department with respect to the findings of that review. The department shall provide for a system of continuous quality-assurance oversight to ensure that the program objectives are achieved and that the program is prudently managed. Within 30 days after termination from employment, an employee may elect to withdraw the moneys, without penalty by the plan administrator, and shall be held harmless by the state with regard to any early withdrawal penalties imposed by the Internal Revenue Service. The method of calculation of such withdrawal payment shall be prescribed by rule.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 5, line 17, after the semicolon (;) insert: creating s. 110.1315, F.S.; providing for the Department of Management Services to contract for implementation of an alternative retirement income security program for temporary state employees; creating s. 110.1316, F.S.; providing for the Department of Management Services to contract for the implementation of a tax-sheltered plan for state employees for payment of accumulated sick leave or annual leave; providing for review by the State Board of Administration;

Senator Diaz-Balart moved the following amendment to **Amendment 2** which was adopted:

Amendment 2A (030576)—On page 2, line 7, after the period (.) insert: *However, this section applies only to state employees. As used in this section, the term "employees" does not include employees as defined in s. 943.10(1), (2), and (3).*

Amendment 2 as amended was adopted.

Senator Thomas moved the following amendment which was adopted:

Amendment 3 (705846)(with title amendment)—On page 51, between lines 26 and 27, insert:

Section 57. Subsection (8) of section 110.123, Florida Statutes, 1998 Supplement, is amended to read:

110.123 State group insurance program.—

(8) COVERAGE FOR LEGISLATIVE MEMBERS AND EMPLOYEES.—

(a) The Legislature may provide coverage for its members and employees under all or any part of the state group insurance program; may provide coverage for its members and employees under a legislative group insurance program in lieu of all or any part of the state group insurance program; and, notwithstanding the provisions of paragraph (4)(c), may assume the cost of any group insurance coverage provided to its members and employees.

(b) *Effective July 1, 1999, any legislative member who terminates his or her elected service after July 1, 1999, after having vested in the state retirement system, may purchase coverage in the state group health insurance plan at the same premium cost as that for retirees and surviving spouses. Such legislators may also elect to continue coverage under the group term life insurance program prevailing for current members at the premium cost in effect for that plan.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 5, line 17, following the semicolon (;) insert: amending s. 110.123, F.S.; providing coverage in the state group health insurance plan for certain legislative members;

Senators Casas and Webster offered the following amendment which was moved by Senator Casas and adopted:

Amendment 4 (560238)(with title amendment)—On page 51, between lines 26 and 27, insert:

Section 57. Subsection (4) of section 59 of Senate Bill 2502, enacted in the 1999 Regular Session of the Legislature, is repealed.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 5, line 17, after the semicolon (;) insert: repealing s. 59(4) of SB 2502, enacted in the 1999 Regular Session of the Legislature, relating to performance measures for the Florida Public Service Commission;

Pursuant to Rule 4.19, **CS for HB 1707** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Holzendorf, the Senate resumed consideration of—

CS for SB 2522—A bill to be entitled An act relating to reinsurance; amending s. 624.610, F.S.; setting the conditions for the allowance of credit for reinsurance; providing definitions; providing that the provisions of s. 120.60, F.S., do not apply to accreditation applications or procedures; providing for grounds for denial or revocation of an assuming insurer's accreditation; providing criteria for the disallowance of credit for reinsurance for a ceding insurer; providing for the payment of costs and expenses; providing conditions for the allowance or disallowance of credit for reinsurance for assuming insurers maintaining trust funds in qualified United States financial institutions; providing intent that there is no conflict with arbitration agreements; providing for security; providing for the inclusion of certain health maintenance organizations within the term "ceding insurer"; providing conditions for the disallowance of credit with respect to a ceding domestic insurer; providing conditions for credit for reinsurance in cases of insolvency; providing for rights against a reinsurer; providing prohibitions applying to authorized insurers, other than certain surplus lines insurance; providing procedures and information required for a summary statement of each treaty; providing for exemptions from requirement of summary statements; providing for waiver; providing for cancellation; providing that there is no credit when there is no transfer of risk; granting authority to the Department of Insurance for rulemaking; providing an effective date for the application of cessions; providing an effective date.

—which was previously considered and amended this day. Pending **Amendment 2** by Senator Holzendorf was adopted.

Senator Latvala moved the following amendment which was adopted:

Amendment 3 (151766)(with title amendment)—On page 16, between lines 20 and 21, insert:

Section 2. Subsection (3) of section 627.4035, Florida Statutes, is amended to read:

627.4035 Cash payment of premiums; claims.—

(3) All payments of claims made in this state under any contract of insurance shall be paid in cash consisting of coins, currency, checks, drafts, or money orders and, if by check or draft, shall be in such form as will comply with the standards for cash items adopted by the Federal Reserve System to facilitate the sorting, routing, and mechanized processing of such items. *If authorized by the recipient, payment of claims may be made by debit card or other forms of electronic transfer.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 5, after the semicolon (;) insert: amending s. 627.4035, F.S.; providing for payment of insurance claims by debit card or other form of electronic funds transfer;

Senator Grant moved the following amendment which was adopted:

Amendment 4 (594372)(with title amendment)—On page 16, between lines 20 and 21, insert:

Section 2. Section 628.903, Florida Statutes, is amended to read:

628.903 "Industrial insured captive insurer" defined.—For purposes of this part:

(1) An "industrial insured" means an insured which:

(a) Has gross assets in excess of \$10 ~~\$50~~ million and;

(b) procures insurance through the use of a full-time employee of the insured who acts as an insurance manager or buyer or through the services of a person licensed as a property and casualty insurance agent, broker, or consultant in such person's state of domicile;

(b)(e) Has at least 25 400 full-time employees; and

(c)(d) ~~Has Pays annual aggregate premiums for all insurance risks that total of at least \$100,000 \$200,000 for each line of insurance purchased from the industrial insured captive insurer or at least \$75,000, with respect to any line of coverage excess of at least \$25 million in the annual aggregate. The purchase of umbrella or general liability coverage excess of \$25 million in the annual aggregate shall be deemed to be the purchase of a single line of insurance.~~

(2) An "industrial insured captive insurer" is a captive insurer that:

(a) Has as its stockholders or members only industrial insureds that are reinsured pursuant to subparagraph (b)2. or insured by the industrial insured captive insurer, or has as its sole stockholder a corporation, which corporation's sole stockholders are industrial insureds that are reinsured pursuant to subparagraph (b)2. or insured by the industrial insured captive insurer; and

(b)1. Provides insurance only to the industrial insureds that are its stockholders or members, and affiliates thereof, or to the stockholders, and affiliates thereof, of its parent corporation; or

2. Provides reinsurance to insurers only on risks written by such insurers for the industrial insureds who are the stockholders or members, and affiliates thereof, of the industrial insured captive insurer, or the stockholders, and affiliates thereof, of the parent corporation of the industrial insured captive insurer.

For the purposes of this paragraph, the term "affiliate" means a person that directly, or indirectly through one or more intermediaries, controls, is controlled by, or is under common control with one or more of the stockholders or members of the industrial insured captive insurer or one or more of the stockholders of the parent corporation of the industrial insured captive insurer; and

(c) Possesses and maintains:

1. Unimpaired paid-in capital of at least \$5 million; and
2. Unimpaired surplus of at least \$15 million.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 5, after the semicolon (;) insert: amending s. 628.903, F.S.; revising the definition of "insured" and "industrial insured captive insurer";

Senator Latvala moved the following amendment which was adopted:

Amendment 5 (953412)(with title amendment)—On page 16, between lines 20 and 21, insert:

Section 2. *This part does not apply to a certified public accountant licensed under chapter 473, Florida Statutes, who is acting within the scope of the practice of public accounting, as defined in section 473.302, Florida Statutes, provided that the activities of the certified public accountant are limited to advising a client of the necessity of obtaining insurance, the amount of insurance needed, or the line of coverage needed, and provided that the certified public accountant does not directly or indirectly receive or share in any commission, referral fee, or solicitor's fee.*

And the title is amended as follows:

On page 2, line 5, after the semicolon (;) insert: providing as exception for certain advice given by a certified public accountant;

Senator Holzendorf moved the following amendment which was adopted:

Amendment 6 (803764)(with title amendment)—On page 16, between lines 20 and 21, insert:

Section 2. Section 627.171, Florida Statutes, is amended to read:

627.171 Excess or reduced rates.—

(1) With written consent of the insured signed prior to the policy inception date and filed with the insurer, the insurer may use a rate in excess of or lower than the otherwise applicable filed rate on any specific risk. The signed consent form must include the filed rate as well as the excess or reduced rate for the risk insured and a copy of the form must be maintained by the insurer for 3 years and be available for review by the department.

(2) An insurer may not use excess or reduced rates pursuant to this section for more than 20 40 percent of its commercial insurance policies written or renewed in each calendar year for any line of commercial insurance or for more than 5 percent of its personal lines insurance policies written or renewed in each calendar year for any line of personal insurance.

(3) *An insurer may not use an excess or reduced rate pursuant to this section unless the rate is based on underwriting considerations and is not based on arbitrary or unfairly discriminatory considerations.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 5, after the semicolon (;) insert: amending s. 627.171, F.S.; allowing insurers to increase the number of policies the rates of which are subject to the consent of the insured;

Pursuant to Rule 4.19, **CS for SB 2522** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Lee—

CS for CS for SB 1760 and SB 924—A bill to be entitled An act relating to agricultural pests and diseases; providing legislative intent; creating s. 570.235, F.S.; creating the Pest Exclusion Advisory Committee within the Department of Agriculture and Consumer Services; establishing membership of the advisory committee; providing duties of the advisory committee; requiring a report; creating s. 593.28, F.S.; requiring the Department of Agriculture and Consumer Services to establish a reimbursement program for certain temporary relocation expenses; providing a limitation; amending s. 593.21, F.S.; directing the Department of Health to study the health effects of the aerial application of Malathion; amending s. 593.22, F.S.; requiring earlier notice of the aerial application of a pesticide; providing for diagnostic and treatment costs; providing appropriations; providing an effective date.

—was read the second time by title.

Senator Lee moved the following amendments which were adopted:

Amendment 1 (970488)(with title amendment)—On page 6, delete lines 17-21 and insert: discontinued. *The Department of Health shall conduct an epidemiologic study to determine whether there are adverse health effects associated with the aerial application of Malathion and bait for the purpose of plant pest eradication. The study shall be designed by a three-member scientific advisory board. The board shall be comprised of one member with expertise in epidemiology from the State University System, one member who represents the Centers for Disease Control and Prevention, and one member who represents the Department of Health. The study shall be properly designed to include*

And the title is amended as follows:

On page 1, line 17, after the semicolon (;) insert: providing for the appointment of a scientific advisory board;

Amendment 2 (263118)—On page 6, line 27, after "study" insert: *pursuant to, but not limited to, ss. 405.01-405.03*

Pursuant to Rule 4.19, **CS for CS for SB 1760 and SB 924** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

MOTION

On motion by Senator McKay, the rules were waived and time of recess was extended until 6:30 p.m.

On motion by Senator Lee—

CS for SB 1008—A bill to be entitled An act relating to telecommunications; amending s. 364.025, F.S.; revising legislative intent; extending time for establishment of permanent universal service mechanism; providing limitations; deleting obsolete provisions; providing for a study; creating s. 364.341, F.S.; providing legislative intent, definitions, and standards; prohibiting exclusionary contracts; limiting applicability to certain tenants; prohibiting compensation of landlords under certain circumstances; prohibiting certain exclusionary contracts; creating a civil cause of action; providing effective dates.

—was read the second time by title.

Senator Lee moved the following amendments which were adopted:

Amendment 1 (551372)—On page 1, line 28 after “and” insert: *single line*

Amendment 2 (252280)—On page 8, line 28, delete “or” and insert: *and*

Amendment 3 (553234)—On page 10, delete lines 5-10 and insert:

(c) After a tenant provides a written request to a telecommunications company for service, and the telecommunications company or the tenant conveys that written request for service to the landlord, the landlord and the telecommunications company shall comply with paragraph (b) in a reasonable and timely manner.

Senator Lee moved the following amendment:

Amendment 4 (704996)(with title amendment)—On page 11 between lines 25 and 26, insert:

Section 4. Subsection (10) is added to section 337.401, Florida Statutes, 1998 Supplement, to read:

337.401 Use of right-of-way for utilities subject to regulation; permit; fees.—

(10) This section, except subsection (6), does not apply to the provision of pay telephone service on public or municipal roads or rights-of-way.

Section 5. *A contract in effect on the effective date of this act shall not be impaired.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 14, after the semicolon (;) insert: amending s. 337.401, F.S.; specifying that specified provisions do not apply to the provision of pay telephone service on public or municipal roads or rights-of-way; providing for application;

Senator Geller moved the following amendment to **Amendment 4** which failed:

Amendment 4A (661212)(with title amendment)—On page 1, after the semicolon (;) insert: *Nothing in this section shall impair any entity operating in accordance with Florida Law prior to April 1, 1999, from continuing to operate those pay telephones which were operated in accordance with ch. 364, as of April 1, 1999.*

And the title is amended as follows:

On page 2, line 8, after the semicolon (;) insert: providing a grandfather provision for certain entities;

Senator Gutman moved the following substitute amendment which failed:

Amendment 5 (820802)(with title amendment)—On page 11, between lines 25 and 26, insert:

Section 4. Subsection (10) is added to section 337.401, Florida Statutes, 1998 Supplement, to read:

337.401 Use of right-of-way for utilities subject to regulation; permit; fees.—

(10)(a) Pay telephone service providers are authorized to occupy public roads and rights-of-way for the purpose of providing pay telephone service to the public, subject to reasonable rules or regulations promulgated by the authority; however, such rules or regulations shall not conflict with the rules or regulations of the Florida Public Service Commission or chapter 364.

(b) Notwithstanding the provisions of subsections (3) and (4), if a municipality requires a pay telephone service provider to pay a fee or other consideration as a condition for granting permission to occupy municipal streets and rights-of-way for placement of pay telephones, such fee or consideration may not exceed 10 percent of gross operating revenues for services provided by pay telephones located on such municipal streets and rights-of-way. Included within such 10 percent maximum fee or consideration are all taxes, licenses, fees, in-kind contributions accepted pursuant to subsection (5), and other impositions except ad valorem taxes and amounts for assessments for special benefits, such as sidewalks, street pavings, and similar improvements, and occupational license taxes levied or imposed by a municipality upon the pay telephone service provider.

(c) This section does not impair any ordinance or agreement in effect on May 22, 1998, nor does it affect fees or consideration, if any, required for placement of pay telephones on property other than streets and rights-of-way.

(d) Notwithstanding the provisions of subsection (7), those pay telephones installed pursuant to an existing franchise agreement must comply with this act upon expiration of the franchise agreement.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 14, after the semicolon (;) insert: amending s. 337.401, F.S.; authorizing pay telephone service providers to occupy public roads and rights-of-way under specified conditions; limiting the amount of certain fees required by municipalities; providing applicability;

The question recurred on **Amendment 4** which was adopted.

Senator McKay moved the following amendment which was adopted:

Amendment 6 (081482)(with title amendment)—On page 8, line 9 through page 11, line 25, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 1, delete lines 7-14 and insert: providing for a study; providing

MOTION

On motion by Senator McKay, the rules were waived and time of recess was extended until completion of **CS for SB 1008, CS for SB's 240 and 810**, motions and announcements.

Senators Casas and Lee offered the following amendment which was moved by Senator Casas and adopted:

Amendment 7 (073122)(with title amendment)—On page 11, between lines 25 and 26, insert:

Section 4. Effective July 1, 1999, section 364.0252, Florida Statutes, 1998 Supplement, is amended to read:

364.0252 Expansion of consumer information programs; customer assistance; rulemaking authority.— ~~By January 1, 1999,~~ The Florida Public Service Commission shall expand its current consumer information program to inform consumers of their rights as customers of competitive telecommunications services and shall assist customers in resolving any billing and service disputes that customers are unable to resolve directly with the company. The commission may, pursuant to this program, require all telecommunications companies providing local or long distance telecommunications services to develop and provide information to customers. The commission may specify by rule the types of information to be developed and the manner by which the information will be provided to the customers. *The Florida Public Service Commission shall undertake a comprehensive and ongoing effort to inform consumers regarding how to protect themselves in a competitive telecommu-*

nications market. Of specific concern are informing consumers concerning the availability of the Lifeline and Link-Up Programs for low-income households and alerting consumers to how they can avoid having their service changed or unauthorized charges added to their telephone bills.

Section 5. Subsection (2) of section 364.24, Florida Statutes, is amended to read:

364.24 Penalty for making telephone message or customer account information known.—

(2) Any officer or person in the employ of any telecommunications company shall not intentionally disclose customer account records except as authorized by the customer or as necessary for billing purposes, or required by subpoena, court order, other process of court, or as otherwise allowed by law. Any person who violates any provision of this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Nothing herein precludes disclosure of customers' names, addresses, or telephone numbers to the extent they are otherwise publicly available. *Nothing herein precludes a telecommunications company from making available to its customers a customer's own customer account record through telephonic means.*

Section 6. Subsection (8) is added to section 240.311, Florida Statutes, 1998 Supplement, to read:

240.311 State Board of Community Colleges; powers and duties.—

(8)(a) *The State Board of Community Colleges is authorized to develop and produce work products which relate to mechanisms to provide for consolidated and coordinated program development and educational endeavors to support distance learning instruction which are subject to trademark, copyright, or patent statutes. To this end, the board shall consider the relative contribution by the personnel employed in the development of such work products and shall enter into binding agreements with such personnel, organizations, corporations, or government entities, which agreements shall establish the percentage of ownership of such trademarks, copyrights, or patents. Any other law to the contrary notwithstanding, the board is authorized in its own name to:*

1. *Perform all things necessary to secure letters of patent, copyrights, and trademarks on any such work products and to enforce its rights therein.*

2. *License, lease, assign, or otherwise give written consent to any person, firm, or corporation for the manufacture or use thereof on a royalty basis or for such other consideration as the board deems proper.*

3. *Take any action necessary, including legal action, to protect the same against improper or unlawful use or infringement.*

4. *Enforce the collection of any sums due the board for the manufacture or use thereof by any other party.*

5. *Sell any such work products and execute all instruments necessary to consummate any such sale.*

6. *Perform all other acts necessary and proper for the execution of powers and duties provided by this paragraph.*

Any proceeds therefrom shall be deposited and expended by a Florida not-for-profit corporation, incorporated under the provisions of chapter 617 and approved by the Department of State, to be used as directed by the board to pay the cost of producing and disseminating educational materials and products to carry out the intent of this act. Any action taken by the board in securing or exploiting such trademarks, copyrights, or patents shall, within 30 days, be reported by the board to the Department of State.

(b) *The board is authorized to publish, produce, or have produced materials and products and shall make them readily available for appropriate use in the state system of education. The board is authorized to charge an amount adequate to cover the essential cost of producing and disseminating such materials and products in the state system of education and is authorized to sell copies for educational use to nonpublic schools in the state and to the public.*

(c) *Any Florida not-for-profit corporation receiving funds pursuant to this section shall make provisions for an annual postaudit of its financial accounts to be conducted by an independent certified public accountant in accordance with rules to be adopted by the board. The annual audit*

report shall be submitted to the Auditor General and the board for review. The board and the Auditor General shall have the authority to require and receive from the organization or from its independent auditor any detail or supplemental data relative to the operation of the organization.

Section 7. Section 241.001, Florida Statutes, is created to read:

241.001 Definitions.—As used in ss. 241.001-241.004, the term:

(1) *“Advanced telecommunications services” means network-based or wireless services that provide additional communications capabilities enabling the use of applications such as distance learning, video conferencing, data communications, and access to Internet.*

(2) *“Department” means the Department of Education.*

(3) *“Eligible facilities” includes all approved campuses and instructional centers of all public universities, public community colleges, area technical centers, public elementary schools, middle schools, and high schools, including school administrative offices, public libraries, teaching hospitals, the research institute described in s. 240.512, and rural public hospitals as defined in s. 395.602. If no rural public hospital exists in a community, the public health clinic that is responsible for individuals before they can be transferred to a regional hospital shall be considered eligible.*

Section 8. Section 241.002, Florida Statutes, is created to read:

241.002 Duties of the Department of Education.—*The duties of the Department of Education concerning distance learning include, but are not limited to, the duty to:*

(1) *Facilitate the implementation of a statewide coordinated system and resource system for cost-efficient advanced telecommunications services and distance education which will increase overall student access to education.*

(2) *Coordinate the use of existing resources, including, but not limited to, the state's satellite transponders on the education satellites, the SUN-COM Network, the Florida Information Resource Network (FIRN), the Department of Management Services, the Department of Corrections, and the Department of Children and Family Services' satellite communication facilities to support a statewide advanced telecommunications services and distance learning network.*

(3) *Assist in the coordination of the utilization of the production and uplink capabilities available through Florida's public television stations, eligible facilities, independent colleges and universities, private firms, and others as needed.*

(4) *Seek the assistance and cooperation of Florida's cable television providers in the implementation of the statewide advanced telecommunications services and distance learning network.*

(5) *Seek the assistance and cooperation of Florida's telecommunications carriers to provide affordable student access to advanced telecommunications services and to distance learning.*

(6) *Coordinate partnerships for development, acquisition, use, and distribution of distance learning.*

(7) *Secure and administer funding for programs and activities for distance learning from federal, state, local, and private sources and from fees derived from services and materials.*

(8) *Manage the state's satellite transponder resources and enter into lease agreements to maximize the use of available transponder time. All net revenue realized through the leasing of available transponder time, after deducting the costs of performing the management function, shall be recycled to support the public education distance learning in this state based upon an allocation formula of one-third to the Department of Education, one-third to the State Board of Community Colleges, and one-third to the State University System.*

(9) *Hire appropriate staff which may include a position that shall be exempt from part II of chapter 110 and is included in the Senior Management Service in accordance with s. 110.205.*

Nothing in ss. 241.001-241.004 shall be construed to abrogate, supersede, alter, or amend the powers and duties of any state agency, district school board, community college board of trustees, the State Board of Community Colleges, or the Board of Regents.

Section 9. Section 241.003, Florida Statutes, is created to read:

241.003 The Florida Distance Learning Network Advisory Council; creation; membership; organization; meetings.—

(1) The Florida Distance Learning Network Advisory Council is created in the Department of Education to advise and assist the department in carrying out its duties relating to distance learning.

(a) Composition.—The advisory council, to be appointed by and serve at the pleasure of the Commissioner of Education, shall not exceed 13 members, selected from the various entities who have interests in distance learning, and who are, when possible, leading members of statewide or regional organizations representing institutional consumers and providers so as to establish a broadly based and representative distance learning advisory council.

(b) Representation.—The organizations represented on the advisory council may include, but are not limited to, public and private elementary and secondary schools; public and private postsecondary institutions, including vocational and technical centers; state agencies; libraries; the health care community, including urban, rural, and teaching hospitals; the cable telecommunications industry; the local exchange telecommunications industry; and the interexchange industry. Two members shall be the Chancellor of the State University System or the chancellor's designee and the Executive Director of the Florida Community College System or the executive director's designee. One member may be a lay citizen.

(c) Organization, procedure, and compensation.—

- 1. The advisory council shall meet at least annually.*
- 2. The advisory council shall elect a chair, a vice-chair, and a secretary from its membership for 1-year terms. Officers may be reelected.*
- 3. The advisory council shall meet at the call of its chair, at the request of the majority of its membership, the commissioner, or at such times as its membership prescribes.*

(2) The advisory council may study and recommend to the department concerning:

- (a) A marketing program statewide, nationally, and internationally, as deemed appropriate.*
- (b) The recipients of the Educational Technology Grant Program provided in s. 241.004.*
- (c) Suggested legislation concerning distance learning.*
- (d) Any other issue regarding distance learning that the council deems appropriate.*

(3) The department shall provide administrative and support services to the advisory council.

Section 10. Section 241.004, Florida Statutes, is created to read:

241.004 Educational Technology Grant Program.—

(1) The Department of Education shall annually award grants to school districts, area technical centers, community colleges, state universities, and independent institutions eligible to participate in state student assistance programs established in part IV of chapter 240. The department shall give priority to cooperative proposals submitted by two or more institutions or delivery systems. The proposals shall include:

- (a) Information which describes the educational significance of the program or service in addressing state educational priorities.*
- (b) The target population for the program.*
- (c) The program content to be transmitted.*
- (d) The support services to be provided.*

(e) Provisions to use at least 20 percent of any funds awarded for training both faculty and student learners in the use and application of the products developed.

(2) Programs and courses developed through the grant program shall be marketed statewide and nationwide with a portion of any profits from

the sale or use of such programs retained by the developing institutions or systems and a portion reinvested in the grant program for further program development. The distribution of any revenues received shall be determined by formal agreement between the department and the developing system or institution.

(3) The department shall identify state educational priorities and issue a request for proposals by June 1 in every year in which funds are available for grants. The department shall ensure the quality of the programs and courses produced through the grants and produce an annual status report by March 1 describing the projects funded and accounting for any proceeds.

Section 11. Sections 364.509, 364.510, 364.511, 364.512, 364.513, and 364.514, Florida Statutes, are repealed.

Section 12. *(1) There is created the Information Service Technology Development Task Force which shall be located within the Department of Management Services for the purpose of developing policies that will benefit residents of this state by fostering the free-market development and beneficial use of advanced communications networks and information technologies within this state. The task force shall be composed of 34 members as follows:*

(a) The Attorney General, the executive director of the Florida Department of Law Enforcement, the Chancellor of the State University System, the Commissioner of Education, the executive director of the State Board of Community Colleges, the director of the Office of Tourism, Trade, and Economic Development, the executive director of the Department of Revenue, a representative of the Florida Council of American Electronics Association, a representative of the Florida Internet Providers Association, a representative of the United States Internet Council, the chair of the State Technology Council, and the secretary of the Department of Management Services.

(b) The President of the Senate shall appoint one member from each of the following categories: a facilities-based interexchange telecommunications company, a wireless telecommunications company, an alternative local exchange telecommunications company, an internet service provider with more than one million customers, the entertainment industry, a computer or telecommunications manufacturing company, and one member of the Florida Senate.

(c) The Speaker of the House of Representatives shall appoint one member from each of the following categories: a cable television provider, a computer software company, the banking industry, an internet search engine company, a local exchange telecommunications company, the tourist industry, and one member of the House of Representatives.

(d) The Governor shall name the chair, and appoint members as follows: one college student who relies on the Internet for personal or academic use, a representative of a local government that is an alternative local exchange telecommunications company or an Internet service provider, and four members as determined by the Governor to appropriately represent technology providers, manufacturers, retailers, and users.

(e) The minority leader of the House of Representatives shall appoint one member of the House of Representatives.

(f) The minority leader of the Senate shall appoint one member of the Senate.

(2) The task force shall exist for 2 years and shall meet at least four times per year. Failure of a member to participate in three consecutive meetings shall result in the member's replacement by the Governor. The task force is encouraged to implement electronic bulletin boards and other means for the exchange of ideas throughout the year.

(3) The task force shall develop overarching principles to guide state policy decisions with respect to the free-market development and beneficial use of advanced communications networks and information technologies, identify factors that will affect whether these technologies will flourish in Florida, and develop policy recommendations for each factor.

(4) By February 14 of calendar years 2000 and 2001, the task force shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives outlining principles, policy recommendations, and any suggested legislation. The task force may develop and publish other documents throughout the year.

(5) *The State Technology Office within the Department of Management Services shall provide support staff for the task force and promote public awareness of the development of principles and policy recommendations by the task force. The State University System shall assist the task force as necessary.*

(6) *The task force shall dissolve effective July 1, 2001.*

Section 13. *Effective July 1, 1999, the sum of \$375,100 is appropriated from the General Revenue Fund to the State Technology Office in the Department of Management Services and four positions are created in the department for the purpose of carrying out section 12 of this act.*

Section 14. *Effective July 1, 1999, there is appropriated from the Florida Public Service Regulatory Trust Fund to the Public Service Commission the sum of \$1 million and two positions for the purpose of carrying out the provisions of section 4 of this act.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 14, after the semicolon (;) insert: amending s. 364.0252, F.S.; directing the Florida Public Service Commission to inform consumers about specific matters in the telecommunications services market; amending s. 364.24 F.S.; providing for telephonic customer account information; amending s. 240.311, F.S.; authorizing the State Board of Community Colleges to develop and produce certain work products related to distance learning; authorizing fees for such materials for purposes of educational use; requiring annual postaudits; requiring the adoption of rules; requiring the submission of a report; creating ss. 241.001-241.004, F.S.; defining terms; prescribing duties of the Department of Education with respect to distance learning; creating the Florida Distance Learning Network Advisory Council and providing for its membership, meetings, and responsibilities; creating a grant program to award grants to certain educational institutions; repealing ss. 364.509, 364.510, 364.511, 364.512, 364.513, 364.514, F.S., relating to the Education Facilities Infrastructure Improvement Act; establishing a task force in the Department of Management Services; providing for representation; providing responsibilities; providing for meetings of the task force; providing for support staff for the task force; requiring reports; providing for the dissolution of the task force; providing an appropriation;

Senators Casas and Webster offered the following amendment which was moved by Senator Casas and adopted:

Amendment 8 (243600)(with title amendment)—On page 11, between lines 25 and 26, insert:

Section 4. *Subsection (4) of section 59 of Senate Bill 2502, enacted in the 1999 Regular Session of the Legislature, is repealed.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 14, after the semicolon (;) insert: repealing s. 59(4) of SB 2502, enacted in the 1999 Regular Session of the Legislature, relating to performance measures for the Florida Public Service Commission;

Pursuant to Rule 4.19, **CS for SB 1008** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Jones, the rules were waived and the Senate reverted to—

BILLS ON THIRD READING

RECONSIDERATION OF BILL

On motion by Senator Jones, the Senate reconsidered the vote by which—

CS for SB 1444—A bill to be entitled An act relating to alcoholic beverage licenses; amending s. 561.01, F.S.; defining the term “historic structures”; amending s. 561.20, F.S.; providing for the issuance of special alcoholic beverage licenses to certain hotels and motels with no fewer than 10 and no more than 25 guest rooms in municipalities within constitutionally chartered counties which are within a specified popula-

tion range; revising the definition of a specialty center; limiting consumption of alcoholic beverages within specialty centers; requiring compliance with requirements and restrictions contained in the Beverage Law for licenses issued under a local or special act; providing an effective date.

—passed as amended this day.

Senators Diaz-Balart and Gutman offered the following amendment which was moved by Senator Diaz-Balart and failed to receive the required two-thirds vote:

Amendment 1 (092630)(with title amendment)—On page 6, between lines 22 and 23, insert:

Section 3. *In each county operating under a home rule charter adopted pursuant to s. 10, s. 11, or s. 24, Art. VIII of the State Constitution of 1885, as preserved by s. 6(e), Art. VIII of the State Constitution of 1968, with a population of at least 2 million persons, any property that is currently used as a 9-hole golf course and is designated by a municipality within that county as a “Historic Landmark District” is designated a historic property as defined in s. 267.021 because of its intrinsic historical and cultural value. Each municipality that owns or controls historic property described in this section must preserve the character and infrastructure of the historic property. This section does not create a responsibility of any state agency of the executive branch or the Division of Historic Resources, does not require the expenditure of any state funds, and does not require the municipality that owns or controls the historic property to make any expenditures.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 16, after the semicolon (;) insert: authorizing certain golf courses to be designated as historical property;

Senator Jones moved the following amendment which was adopted by two-thirds vote:

Amendment 2 (194572)(with title amendment)—On page 6, between lines 22 and 23, insert:

Section 3. Subsection (4) is added to section 267.081, Florida Statutes, to read:

267.081 Publications.—It is the duty of the division to:

(4) *Hold any moneys received from the sale of publications by the division in the operating trust fund of the division or in a separate depository account in the name of a citizen-support organization formed pursuant to s. 267.17 and subject to the provision of a letter of agreement with the division.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 16, after the semicolon (;) insert: amending s. 267.081, F.S.; providing for disposition of moneys received by the Division of Historic Resources of the Department of State from the sale of publications;

On motion by Senator Jones, **CS for SB 1444** as amended was read by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Madam President	Diaz-Balart	King	Myers
Bronson	Dyer	Kirkpatrick	Rossin
Brown-Waite	Forman	Klein	Saunders
Burt	Geller	Kurth	Scott
Campbell	Grant	Latvala	Sebesta
Carlton	Gutman	Laurent	Silver
Casas	Hargrett	Lee	Sullivan
Childers	Holzendorf	McKay	Thomas
Clary	Horne	Meek	Webster
Dawson-White	Jones	Mitchell	

Nays—None

SPECIAL ORDER CALENDAR, continued

The Senate resumed consideration of—

CS for SB's 240 and 810—A bill to be entitled An act relating to suits by and against the Department of Transportation and public authorities; amending s. 337.19, F.S.; revising provisions governing suits at law and in equity brought by or against the department with respect to breach of an express provision or an implied covenant of a written agreement or a written directive issued by the department pursuant to the written agreement; providing for rights and obligations; prohibiting liability under certain circumstances; providing exceptions with respect to liability; amending s. 255.05, F.S.; specifying conditions under which suits may be brought by and against a public authority with respect to specified public works projects; providing for rights and obligations of the public authority and the contractor; excluding specified basis of liability; providing for construction of the act; providing an effective date.

—which was previously considered and amended this day.

On motion by Senator Sebesta, by two-thirds vote **CS for HB 311 and CS for HB 243** was withdrawn from the Committees on Transportation; Governmental Oversight and Productivity; and Fiscal Policy.

On motion by Senator Sebesta, the rules were waived and by two-thirds vote—

CS for HB 311 and CS for HB 243—A bill to be entitled An act relating to suits by and against the Department of Transportation and public authorities; amending s. 337.11, F.S.; repealing authority for owner controlled insurance plans in the Department of Transportation; amending s. 337.185, F.S.; increasing claim limits with respect to certain contractual claims governed by the State Arbitration Board; revising language with respect to hearings on certain disputes; increasing certain fees; amending s. 337.19, F.S.; revising language with respect to suits at law and in equity brought by or against the department with respect to breach of an express provision or an implied covenant of a written agreement or a written directive issued by the department pursuant to the written agreement; providing for rights and obligations; prohibiting liability under certain circumstances; providing exceptions with respect to liability; amending s. 255.05, F.S.; specifying conditions under which suits may be brought by and against a public authority with respect to specified public works projects; providing for rights and obligations of the public authority and the contractor; excluding specified basis of liability; providing for construction of the act; providing effective dates.

—a companion measure, was substituted for **CS for SB's 240 and 810** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 311 and CS for HB 243** was placed on the calendar of Bills on Third Reading.

MOTIONS

On motion by Senator Clary, by two-thirds vote the rules were waived and **CS for CS for SB's 834, 1140 and 1612**, which passed April 23, was not immediately certified to the House.

On motion by Senator McKay, by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the Special Order Calendar for Tuesday, April 27.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Monday, April 26, 1999: CS for SB 1474, SB 664, SB 2240, CS for CS for SB 2238, CS for SB 1072, CS for CS for SB 1672, CS for SB 2068, CS for CS for SB 2410, CS for SB 1314, CS for SB 2522, CS for CS for SB 1760 and SB 924, CS for SB 2540, CS for CS for SB 1254, SB 2542, SB 2544, CS for SB 2296, SB 120, CS for SB 272, CS for SB 2282, CS for SB 1066, SB 1288, SB 1422, CS for SB 1008, SB 1682, CS for SB 1858, CS for SB 1940, CS for SB 2142, CS for SB 1856, CS for SB's 2152 and 1930, CS for SB 2206, CS for SB 2208, CS for SB 2288, CS for SB 1564, CS for CS for SB 2402, CS for SB 768, CS for CS for SB 214, CS for SB 1556, CS for SB 1430, CS for SB 184, CS for SB 2470, CS for SB 1696, CS for SB 1250, CS for SB 2214, SB 956, SB 1172, SB 1174, CS for SB 746, SB 674, CS for SB 1118, SB 142, CS for SB 698, CS for CS for CS for SB 2192, CS for SB

1846, CS for SB 672, CS for SB's 240 and 810, SB 132, CS for SB 822, SB 872, CS for SB 1148, CS for SB 1626, CS for SB 974, SB 1040, CS for SB 2066, CS for CS for SB 2146, CS for SB 1210, CS for SB 2380, CS for SB 2268, CS for CS for SB 1294, CS for CS for SB 972, CS for SB 2536, CS for SB 1352, CS for SB's 1078 and 1438, CS for SB 1742, CS for CS for SB 1666, CS for SB 2000, CS for SB 702, CS for SB 704, CS for SB 2438, CS for SB 2220, CS for SB 2496, CS for SB 202, CS for CS for SB 1516, SB 1388, CS for SB 268, SB 700, SB 928, CS for SB 1406, CS for SB 1408, CS for SB 1502, CS for SB 1944, SB 1500, CS for CS for SB 88, SB 290, CS for SB 1498, CS for SB 1496, SB 1108, CS for SB 1012, SB 1782, CS for SB 1818, CS for SB 1504, SB 1582, CS for SB 992, CS for SB 2360, SB 2350, CS for SB 2300, SB 2374, CS for SB 264, SB 966, CS for SB 1200, CS for SB 1932, SB 1534, SB 1296, CS for SB 1982, CS for SB 2028, SB 2244, CS for SB 228, CS for SB 2348, CS for SB 682, CS for SB 2414, CS for SB 1898, CS for SB 1746, CS for SB 1286, CS for SB 74, CS for SB 1316, CS for SB 334, CS for SB 690, CS for CS for SB 808, SB 878, SB 960, CS for SB 880, CS for SB 994, CS for CS for SB 1470, CS for CS for SB 1594, CS for SB 1588, SB 2234, CS for SB 1656, CS for SB 2118, CS for SB 2092, CS for SB 2250, CS for SB's 2388 and 1946, CS for SB's 2472 and 1892, CS for CS for CS for SB 80, CS for SB 2554, CS for CS for SB 2228, SB 1894, CS for SB 1910, CS for SB 1934, SB 2070, CS for SB 1676, CS for SB 1698, SB 1586, CS for SB 1712, CS for SB 1806, CS for SB 1484, CS for SB 1552, CS for SB 1596, CS for SB 1598, CS for SB 1600, CS for SB 1260, CS for SB 1290, CS for SB 1440, CS for CS for SB 1478, CS for SB 1028, CS for SB 1034, CS for SB 1068, SB 898, SB 1122, SB 732, CS for SB 984, CS for SB 734, SB 1526, CS for SB 946, CS for SB 190, CS for SB 970, CS for SB 292, CS for CS for SB 294, CS for SB 818, CS for SB 2264, CS for SB 2516, SB 668, CS for SB 260, CS for SB 2636, CS for SB 90, CS for SB 958, SB 16

Respectfully submitted,
John McKay, Chairman

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

Senate Resolutions 2714—2716—Not referenced.

By Senator McKay—

SB 2718—A bill to be entitled An act relating to Joshua Water Control District, a special tax district in DeSoto County, Florida; providing for codification of special acts relating to Joshua Water Control District; providing legislative intent, and codifying and reenacting provisions of chapter 69-1010, Laws of Florida; chapter 79-448, Laws of Florida; chapter 82-287, Laws of Florida; and chapter 90-497, Laws of Florida; providing for applicability of chapter 298, Florida Statutes, and other general laws; providing a district charter; providing for repeal of prior special acts related to the Joshua Water Control District; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By Senator Saunders—

SB 2720—A bill to be entitled An act relating to Collier County; amending s. 3, chapter 89-449, Laws of Florida; providing an exception to specified offenses committed within the boundaries of any county park, county operated parking facilities, public beaches, beach access areas adjacent to any county park, and public areas immediately adjacent to county parks; prohibiting the carrying, possession, or consumption of alcoholic beverages in any park building or other structure; providing an exception; providing an effective date.

—was referred to the Committee on Rules and Calendar.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State SB 114, CS for CS for SB 740, CS for SB 1280 and SB 1514 which he approved on April 22, 1999.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 221, CS for HB 345, CS for HB 397, CS for HB 1013, CS for HB 1513, CS for HB 1707, HB 1915, HB 2151, HB 2171, HB 2239; has passed as amended CS for HB 21, HB 47, CS for CS for HB 163, CS for HB 219, HB 299, CS for HB 311 and CS for HB 243, HB 329, CS for HB 361, CS for HB 365, CS for HB 403, HB 415, CS for HB 417, HB 467, CS for HB 519, HB 579, HB 717, HB 723, HB 791, HB 811, HB 879, HB 885, HB 897, HB 911, HB 957, HB 975, HB 985, HB 1007, HB 1031, CS for HB 1033, HB 1077, HB 1081, HB 1141, CS for HB 1143, HB 1575, HB 1655, CS for HB 1659, HB 1843, HB 1847, HB 1883, CS for HB's 1927 and 961, HB 1969, HB 1977, HB 2143; has passed by the required Constitutional three-fifths vote of the membership CS for HB 1489, HB 2203, HB 2217; has passed as amended by the required Constitutional three-fifths vote of the membership HB 325; has adopted as amended HM 531 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committee on Financial Services and Representative Trovillion and others—

CS for HB 221—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.05, F.S.; exempting from the tax on the sale of coins or currency any coin or currency which is legal tender of the United States and which is sold, exchanged, or traded; exempting from said tax certain transactions in which the sales price exceeds a specified amount; amending s. 212.08, F.S.; exempting sales of gold, silver, or platinum bullion when the sales price exceeds a specified amount; providing for emergency rules; providing effective dates.

—was referred to the Committees on Fiscal Resource; and Commerce and Economic Opportunities.

By the Committee on Real Property and Probate; and Representative Brummer—

CS for HB 345—A bill to be entitled An act relating to the educational property tax exemption; amending s. 196.198, F.S.; providing circumstances in which land is considered to be property owned by an educational institution; providing an effective date.

—was referred to the Committees on Education and Fiscal Resource.

By the Committee on Business Development and International Trade; and Representative Feeny and others—

CS for HB 397—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.08, F.S.; revising the industries to which the exemption for electricity or steam used in certain manufacturing and related operations applies; providing an exemption for labor charges for, and parts and materials used in, the repair of machinery and equipment used to produce tangible personal property at a fixed location by specified industries; providing a schedule for implementing the exemption; providing an effective date.

—was referred to the Committees on Fiscal Resource; and Commerce and Economic Opportunities.

By the Committee on Governmental Operations and Representative Bloom and others—

CS for HB 1013—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.091, F.S., relating to benefits pay-

able under the Florida Retirement System; providing for payment of federally limited benefits through the Florida Retirement System Preservation of Benefits Plan; creating s. 121.1001, F.S.; creating the Florida Retirement System Preservation of Benefits Plan; providing for eligibility; providing for benefits and contributions; providing for administration; providing a finding of important state interest; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; and Fiscal Policy.

By the Committee on Judiciary and Representative Sanderson—

CS for HB 1513—A bill to be entitled An act relating to limited liability companies; amending ss. 608.401, 608.402, 608.403, 608.404, 608.406, 608.407, 608.408, 608.4081, 608.4082, 608.409, 608.4101, 608.411, 608.415, 608.416, 608.4211, 608.422, 608.4225, 608.423, 608.4231, 608.4232, 608.425, 608.426, 608.4261, 608.427, 608.428, 608.432, 608.433, 608.434, 608.436, 608.4362, 608.4363, 608.437, 608.438, 608.4381, 608.4383, 608.4384, 608.441, 608.4421, 608.444, 608.447, 608.448, 608.4481, 608.449, 608.4492, 608.4511, 608.452, 608.455, 608.463, 608.471, 608.502, 608.503, 608.504, 608.505, 608.507, 608.508, 608.512, 608.5135, F.S.; revising provisions of chapter 608, F.S., relating to limited liability companies; clarifying and updating such provisions to reflect current operating procedures; providing for requirements, limitations, procedures, rights, liabilities, reports, fees, and penalties; creating s. 608.4115, F.S.; providing for correcting certain articles of organization; providing for effect; creating s. 608.4226, F.S.; providing for resolving conflicts of interest; creating s. 608.4235, F.S.; providing for agency of members and managers; creating s. 608.4236, F.S.; providing for delegation of rights and powers to manage; creating s. 608.4237, F.S.; providing for membership termination upon bankruptcy; creating s. 608.439, F.S.; providing for conversion of certain entities to a limited liability company; creating s. 608.601, F.S.; providing for member's derivative actions; creating ss. 608.701, 608.702, and 608.703, F.S.; providing for application of certain case law for certain purposes; providing for receiving certificates and certified copies into evidence; providing for interrogatories by the Department of State; repealing s. 608.4062, F.S., relating to foreign limited liability companies; repealing s. 608.412, F.S., relating to supplemental affidavit of capital contributions; repealing s. 608.424, F.S., relating to contracting debts; repealing s. 608.4494, F.S., relating to deposit with the Department of Banking and Finance; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Judiciary; and Fiscal Policy.

By the Committees on General Government Appropriations, Governmental Operations and Representative Posey and others—

CS for HB 1707—A bill to be entitled An act relating to the Department of Management Services; amending s. 20.22, F.S.; revising the organizational structure of the department relating to labor organizations; amending s. 110.1099, F.S.; providing conditions for the reimbursement of training expenses by an employee; amending s. 110.112, F.S.; revising reporting requirements; amending s. 110.1245, F.S.; revising reporting requirements; increasing the cap on meritorious service awards; amending s. 110.131, F.S.; authorizing the designee of an agency head to extend the other-personal-services employment of a health care practitioner; amending s. 110.151, F.S.; modifying duties of state agencies for child care programs sponsored by the agencies; amending s. 110.181, F.S.; providing that the fiscal agent for the Florida State Employees' Charitable Campaign need not reimburse costs under specified conditions; amending s. 110.201, F.S.; providing for adoption of rules; providing for a workforce report; amending s. 110.205, F.S.; authorizing the Department of Management Services to designate specified employees within the Governor's Office to have salaries and benefits in accordance with the rules of Senior Management Service; authorizing specified employees to have benefits comparable to legislative employees; conforming provisions to changes made by the act; providing for the designation of Senior Management Service exempt positions; repealing s. 110.207(1)(g), F.S., relating to statewide planning of career service broadbanding compensation and classification; amending s. 110.209, F.S.; adding critical market pay to the list of pay additives; requiring

certain pay implementations to be subject to review and recommendation by the Department of Management Services and approval by the Office of Planning and Budgeting; amending s. 110.235, F.S.; deleting a requirement for a report; amending s. 110.503, F.S.; allowing agencies to incur expenses to recognize the service of volunteers; amending s. 110.504, F.S.; providing a limitation on volunteer awards; amending s. 110.605, F.S.; providing a uniform appraisal system for employees and positions in the Selected Exempt Service; amending s. 112.061, F.S.; authorizing the designee of an agency head to approve specified expenses for employees; amending s. 112.3145, F.S.; redefining the terms "local officer" and "specified state employee" for purposes of financial disclosure requirements; amending s. 215.196, F.S.; revising the organizational structure of the department relating to the Architects Incidental Trust Fund; amending s. 215.422, F.S.; deleting a vendor's right to the name of an ombudsman; amending s. 216.011, F.S.; redefining the term "operating capital outlay"; amending s. 255.25, F.S.; exempting certain leases from the competitive bidding process; amending ss. 255.249 and 255.257, F.S.; revising the threshold for leased space facility requirements; amending s. 267.075, F.S.; revising the membership of The Grove Advisory Council; amending s. 272.18, F.S.; revising the membership of the Governor's Mansion Commission; amending s. 272.185, F.S.; revising the organizational structure of the department relating to maintenance of the Governor's Mansion; amending s. 273.02, F.S.; increasing the value of property required to be inventoried by custodians; amending s. 273.055, F.S.; providing for the disbursement of moneys received from disposition of state-owned tangible personal property; amending ss. 281.02, 281.03, 281.04, 281.05, 281.06, and 281.08, F.S.; including reference to the Florida Capitol Police; amending s. 281.07, F.S.; revising the organizational structure of the department relating to the capitol police; amending s. 282.105, F.S., relating to use of State Suncom Network by nonprofit schools; amending s. 282.1095, F.S.; authorizing the Department of Management Services to acquire a state agency law enforcement radio system; authorizing the Joint Task Force on State Agency Law Enforcement Communications to advise the department regarding the system; deleting obsolete provisions; amending ss. 320.0802 and 327.25, F.S.; removing the time limits on the surcharges used to fund the system; removing obsolete provisions; amending s. 282.322, F.S.; amending the requirements for written reports on designated information resources management projects; amending s. 282.3091, F.S.; revising the membership of the State Technology Council; amending s. 282.111, F.S.; revising the organizational structure of the department relating to the statewide system of regional law enforcement communications; amending s. 287.017, F.S.; increasing purchasing category threshold amounts; amending s. 287.042, F.S.; revising the organizational structure of the department relating to the purchasing of goods and services; amending s. 287.057, F.S.; revising the organizational structure of the department relating to the procurement of insurance; amending s. 287.151, F.S.; revising purchasing requirements for certain state motor vehicles; amending ss. 287.16 and 287.18, F.S.; revising the organizational structure of the department relating to motor vehicles, watercraft, and aircraft; requiring a report on break-even mileage to be submitted biennially to agency inspectors general; amending s. 287.17, F.S.; providing definitions; providing criteria to be followed by an agency head in assigning a state-owned motor vehicle to an employee; requiring a report from agency heads on employee use of state motor vehicles; amending s. 365.171, F.S.; designating the director of the statewide emergency telephone number "911"; amending ss. 401.021 and 401.027, F.S.; designating the director of the statewide telecommunications system of the regional emergency medical service; amending s. 446.604, F.S.; providing for Government Services Direct to be included in the plan for One-Stop Career Centers; amending s. 447.208, F.S.; providing for the determination of attorney's fees in certain cases; repealing ch. 98-310, Laws of Florida, relating to evaluation of the state contract for air carrier service; authorizing the department to negotiate air services to and from Tallahassee and other cities; repealing ss. 110.407 and 110.607, F.S., which provide for performance audits; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; and Fiscal Policy.

By Representative L. Miller—

HB 1915—A bill to be entitled An act relating to the Florida Education Fund; amending s. 240.498, F.S.; revising the membership of the

board of directors of the Florida Education Fund; providing an effective date.

—was referred to the Committees on Education and Fiscal Policy.

By the Committee on Environmental Protection and Representative Dockery—

HB 2151—A bill to be entitled An act relating to petroleum contamination site rehabilitation; amending s. 376.3071, F.S.; revising authority and procedures relating to source removal and site cleanup activities funded from the Inland Protection Trust Fund; providing an annual funding limitation for certain source removal activities; providing a time limit for negotiation of site rehabilitation and cost-sharing agreements; authorizing the Department of Environmental Protection to terminate negotiations and revoke funding eligibility and liability protections, if time limits are not met; eliminating funding ineligibility for persons who knowingly acquire title to contaminated property; amending s. 376.30711, F.S.; requiring the department to select five sites for restoration funding under an innovative technology pilot program; providing selection criteria; providing for use of certain innovative products and processes, based on competitive bid; amending s. 376.30713, F.S.; removing repeal of the preapproved advanced cleanup program; rescheduling legislative review; creating s. 376.30714, F.S.; authorizing the department to negotiate site rehabilitation agreements at certain sites with new discharges; providing legislative findings; providing definitions; providing application procedures; providing for apportionment of funding responsibilities; specifying excluded new discharges; providing negotiation procedures and timeframe; providing liability protections covered by such agreements; providing retroactive effect of the section; providing an effective date.

—was referred to the Committees on Natural Resources and Fiscal Policy.

By the Committee on Real Property and Probate; and Representative Goodlette—

HB 2171—A bill to be entitled An act relating to condominium associations; amending s. 718.102, F.S.; providing an additional purpose of ch. 718, F.S.; amending s. 718.103, F.S.; revising definitions; providing an additional definition; amending s. 718.104, F.S.; providing additional requirements for a declaration of condominium; providing for determining the percentage share of liability for common expenses and ownership; amending s. 718.106, F.S.; providing for the right to assign exclusive use; providing for the right to seek election; amending s. 718.110, F.S.; clarifying requirements for amending and recording the declaration of condominium; providing for determining the percentage share of liability for common expenses and ownership for purposes of condominiums comprising a multicondominium development; amending s. 718.111, F.S.; providing additional mailing requirements and additional penalties for denying access to certain records; clarifying an attorney-client privilege; revising requirements for financial reports; requiring the disclosure of reserves; revising requirements for financial statements; requiring the disclosure of revenues and common expenses; revising certain limitations on the commingling of funds maintained in the name of a condominium association or multicondominium; amending s. 718.112, F.S.; revising requirements for budget meetings; providing conditions under which a multicondominium association may waive or reduce its funding of reserves; amending s. 718.113, F.S.; providing certain limitations on making material alterations or additions to multicondominiums; providing a procedure for approving an alteration or addition if not provided for in the bylaws; revising requirements for condominium boards with respect to installing and maintaining hurricane shutters; specifying expenses that constitute common expenses of a multicondominium association; providing for an association's bylaws to allow certain educational expenses of the officers or directors to be a permitted common expense; amending s. 718.115, F.S.; providing for determining the common surplus owned by a unit owner of a multicondominium; amending s. 718.116, F.S.; revising circumstances under which a developer may be excused from paying certain common expenses and assessments; providing for the developer's obligation for such expenses with respect to a multicondominium association; amending s. 718.117, F.S.; providing that certain requirements governing the termi-

nation of a condominium are inapplicable to the merger of a condominium with one or more other condominiums; creating s. 718.405, F.S.; providing for the creation of multicondominiums; providing requirements for the declaration of condominium; providing for the merger or consolidation of condominium associations; amending s. 718.5019, F.S.; providing for a member's continued service until a replacement has been appointed; amending s. 718.504, F.S.; providing requirements for the prospectus or offering circular for a condominium that is or may become part of a multicondominium; amending s. 624.462, F.S., relating to self-insurance funds; conforming a cross-reference to changes made by the act; requiring the Department of Business and Professional Regulation to prepare proposed legislation addressing master condominium associations; providing criteria; providing an effective date.

—was referred to the Committees on Regulated Industries and Fiscal Policy.

By the Committee on Health Care Services and Representative Peaden—

HB 2239—A bill to be entitled An act relating to Medicaid; amending s. 409.906, F.S.; authorizing the Agency for Health Care Administration to develop a certified match program for Healthy Start services under certain circumstances; amending s. 409.910, F.S.; providing for use of Medicare standard billing formats for certain data exchange purposes; creating s. 409.9101, F.S.; providing a short title; providing legislative intent relating to Medicaid estate recovery; requiring certain notice of administration of the estate of a deceased Medicaid recipient; providing that receipt of Medicaid benefits creates a claim and interest by the agency against an estate; specifying the right of the agency to amend the amount of its claim based on medical claims submitted by providers subsequent to the agency's initial claim calculation; providing the basis of calculation of the amount of the agency's claim; specifying a claim's class standing; providing circumstances for nonenforcement of claims; providing criteria for use in considering hardship requests; providing for recovery when estate assets result from a claim against a third party; providing for estate recovery in instances involving real property; providing agency rulemaking authority; amending s. 409.912, F.S.; eliminating requirement that a Medicaid provider service network demonstration project be located in Orange County; amending s. 409.913, F.S.; revising provisions relating to the agency's authority to withhold Medicaid payments pending completion of certain legal proceedings; providing for disbursement of withheld Medicaid provider payments; creating s. 409.9131, F.S.; providing legislative findings and intent relating to integrity of the Medicaid program; providing definitions; authorizing onsite reviews of physician records by the agency; requiring notice for such reviews; requiring notice of due process rights in certain circumstances; specifying procedures for determinations of overpayment; requiring a study of certain statistical models used by the agency; requiring a report; amending ss. 641.261 and 641.411, F.S.; conforming references and cross references; amending s. 733.212, F.S.; establishing the agency as a reasonably ascertainable creditor with respect to administration of certain estates; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; Judiciary; and Fiscal Policy.

By the Committee on Education/K-12 and Representative Chestnut and others—

CS for HB 21—A bill to be entitled An act relating to school buses; requiring that buses purchased after a specified date and used in transporting certain students be equipped with safety belts or other restraint system that comply with specified standards; providing an exemption for certain school buses; providing a definition for "school bus" used in the section; requiring passengers to wear safety belts or restraint system; providing immunity of a school district, bus operator, and others for injuries to a passenger caused solely because the passenger was not wearing a safety belt or restraint system; providing immunity to such persons for injury caused by a passenger's dangerous or unsafe use of a safety belt or restraint system; providing certain provisions for implementation; providing an exception to the operation of the act; providing an effective date.

—was referred to the Committees on Education, Transportation and Fiscal Policy.

By Representative Fuller and others—

HB 47—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.031, F.S.; exempting property used as a travel center/truck stop facility from the tax on the rental or lease of, or grant of a license to use, real property; providing an effective date.

—was referred to the Committees on Fiscal Resource and Transportation.

By the Committees on Judiciary, Community Affairs and Representative Crist and others—

CS for CS for HB 163—A bill to be entitled An act relating to local government code enforcement; amending s. 125.69, F.S.; providing an exception from certain notice requirements under certain circumstances; requiring owners of property subject to an enforcement proceeding to disclose certain information prior to transfer of such property; creating a presumption of fraud under certain circumstances; authorizing local governing bodies to make certain repairs under certain circumstances; providing for absence of liability for such repairs under certain circumstances; amending s. 162.03, F.S.; specifying the status of special masters; amending s. 162.04, F.S.; revising a definition; amending s. 162.06, F.S.; requiring owners of property subject to enforcement proceedings to provide disclosure and notice to prospective transferors under certain circumstances; providing a rebuttable presumption; providing for continuation of enforcement proceedings under certain circumstances; providing procedures; amending s. 162.09, F.S.; specifying that certain actions taken by a local government do not create continuing obligations or liabilities under certain circumstances; authorizing certain counties or municipalities to adopt ordinances granting code enforcement boards or special masters authority to impose certain fines in excess of those authorized by law; specifying limitations; providing requirements; clarifying enforcement of orders imposing certain fines or costs; amending s. 162.12, F.S.; revising prescribed methods for providing certain notices; clarifying the time period for posting certain notices; amending s. 162.23, F.S.; providing an additional exception to requirements to provide reasonable time to correct violations under certain circumstances; amending ss. 125.0103 and 166.043, F.S.; authorizing local governments to enact public service rates for certain activities; providing for inapplicability of county rates for such activities in certain municipalities; providing severability; providing an effective date.

—was referred to the Committee on Comprehensive Planning, Local and Military Affairs.

By the Committee on Real Property and Probate; and Representative Crow and others—

CS for HB 219—A bill to be entitled An act relating to public records exemptions; creating s. 744.7081, F.S.; providing an exemption from public records requirements for certain records requested by the Statewide Public Guardianship Office; providing for review and repeal; providing a statement of public necessity; providing a contingent effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; and Rules and Calendar.

By Representative Sublette and others—

HB 299—A bill to be entitled An act relating to title loan transactions; creating the "Florida Title Loan Act"; providing legislative intent; providing definitions; requiring licensure by the Department of Banking and Finance to act as a title loan lender; providing for application for licensure; requiring a bond, a nonrefundable application fee, a nonrefundable investigation fee, and fingerprinting; providing for waiver of fingerprinting; providing for inactive licenses; providing for renewal and reactivation of licenses; providing for a renewal fee and a reactivation fee; providing for disposition of certain moneys; providing for acquisition of an interest in a licensee under certain circumstance; providing for denial, suspension, or revocation of license; specifying acts which constitute violations for which certain disciplinary actions may be taken; providing a fine; providing remedies for title loans made or serviced without licensure; providing for a title loan agreement; providing requirements;

providing for reclaiming a repossessed motor vehicle under certain circumstances; providing entitlement to certain excess proceeds of a sale or disposal of a motor vehicle; providing for recordkeeping and reporting and safekeeping of property; providing for title loan interest rates; providing requirements and limitations; providing for extensions; providing for return of principal and interest to the borrower under certain circumstance; providing a holding period when there is a failure to reclaim; providing for the disposal of pledged property; providing for disposition of excess proceeds; prohibiting certain acts; providing for the right to reclaim; providing for lost title loan agreements; providing for a title loan lenders lien; providing for criminal penalties; providing for subpoenas, enforcement of actions, and rules; providing for investigations and complaints; authorizing the department to adopt rules; amending ss. 538.03 and 538.16, F.S.; deleting provisions relating to title loan transactions; providing for more restrictive local ordinances; providing an appropriation; repealing ss. 538.03(1)(i), 538.06(5), and 538.15(4) and (5), F.S., relating to title loan transactions by secondhand dealers; providing effective dates.

—was referred to the Committees on Agriculture and Consumer Services; Banking and Insurance; and Fiscal Policy.

By the Committee on Judiciary and Representative Fuller and others—

CS for HB 311 and CS for HB 243—A bill to be entitled An act relating to suits by and against the Department of Transportation and public authorities; amending s. 337.11, F.S.; repealing authority for owner controlled insurance plans in the Department of Transportation; amending s. 337.185, F.S.; increasing claim limits with respect to certain contractual claims governed by the State Arbitration Board; revising language with respect to hearings on certain disputes; increasing certain fees; amending s. 337.19, F.S.; revising language with respect to suits at law and in equity brought by or against the department with respect to breach of an express provision or an implied covenant of a written agreement or a written directive issued by the department pursuant to the written agreement; providing for rights and obligations; prohibiting liability under certain circumstances; providing exceptions with respect to liability; amending s. 255.05, F.S.; specifying conditions under which suits may be brought by and against a public authority with respect to specified public works projects; providing for rights and obligations of the public authority and the contractor; excluding specified basis of liability; providing for construction of the act; providing effective dates.

—was referred to the Committees on Transportation; Governmental Oversight and Productivity; and Fiscal Policy.

By Representative Villalobos and others—

HB 329—A bill to be entitled An act relating to limerock mining; amending s. 373.4149, F.S., relating to the Miami-Dade County Lake Belt Plan; providing legislative intent; revising description of land included in the Miami-Dade County Lake Belt Area; providing for local land use jurisdiction and for land use compatibility within the Lake Belt Area; requiring certain notice of mining activities; revising membership of the Miami-Dade County Lake Belt Plan Implementation Committee; providing additional requirements for Phase II of the Lake Belt Plan; extending the existence of the implementation committee; deleting requirement for development of a comprehensive mitigation plan; creating s. 373.41492, F.S.; imposing a mitigation fee on commercial extraction of limerock and sand from the Lake Belt Area; providing an exemption; providing procedures for collection, report, and disposition of fees; providing for enforcement and penalties; providing duties and authority of the Department of Revenue; providing for rules; providing for annual indexed fee increases after a specified date; providing purpose of fees for wetlands mitigation and specifying uses; requiring approval of expenditures by an interagency committee; providing membership of the committee; providing that payment of the fee satisfies certain mitigation requirements; providing for suspension of the fee under certain circumstances; requiring interagency committee reports to the South Florida Water Management District and the Legislature; amending ss. 373.4415 and 378.4115, F.S.; correcting references to conform to the county's name change; providing severability; providing an effective date.

—was referred to the Committees on Natural Resources; Comprehensive Planning, Local and Military Affairs; and Fiscal Resource.

By the Committee on Judiciary and Representative Ritter and others—

CS for HB 361—A bill to be entitled An act relating to partnership filings administered by the Department of State; amending s. 620.8101, F.S.; defining the terms “foreign limited liability partnership” and “limited liability partnership” and redefining the term “statement”; amending ss. 620.8103, 620.8105, 620.81055, 620.8106, 620.8201, 620.8303, 620.8304, 620.8306, 620.8307, 620.8701, 620.8702, 620.8703, 620.8704, 620.8801, 620.8805, 620.8806, 620.8807, 620.8903, 620.8904, 620.8906, and 620.8907, F.S.; conforming statutory cross references; providing for registration requirements; providing document filing fees; providing for governing law; providing for partners’ liability; providing for actions for and against partners; providing for purchase of dissociated interests; providing for settlement and contribution; providing for conversions; providing for the effect of merger; creating ss. 620.9001, 620.9002, 620.9003, 620.9101, 620.9102, 620.9103, 620.9104, 620.9105, and 620.187, F.S.; adopting the model act provisions of the limited liability partnership act into the Revised Uniform Partnership Act of 1995; providing for statement of qualification, name, annual report, statement of foreign qualification, effect of failure to qualify, activities not constituting transacting business, action by Attorney General, and limited liability limited partnerships; amending s. 865.09, F.S.; providing for conditions for exemption from fictitious name registration; providing for the use of corporate names; providing for continuation of status of certain registered limited liability partnerships; redesignating s. 620.90, F.S., as s. 620.9901, F.S., relating to applicability; redesignating s. 620.91, F.S., as s. 620.9902, F.S., relating to a saving clause; repealing ss. 620.78, 620.781, 620.782, 620.783, 620.784, 620.7851, 620.786, 620.787, 620.788, 620.7885, 620.7887, and 620.789, F.S., relating to registered limited liability partnerships; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Judiciary.

By the Committee on Education/K-12 and Representative Stafford and others—

CS for HB 365—A bill to be entitled An act relating to public school curricula; amending s. 233.061, F.S.; including a secular character-development program in required public school instruction in the elementary schools; amending s. 233.0612, F.S.; including ethics in authorized public school instruction; deleting a provision encouraging school boards to institute such programs; providing an effective date.

—was referred to the Committees on Education and Fiscal Policy.

By the Committee on Insurance and Representative Byrd and others—

CS for HB 403—A bill to be entitled An act relating to title insurance; amending ss. 624.509, 626.841, 626.8411, 626.9541, 627.7711, 627.777, 627.7773, 627.7776, 627.780, 627.783, 627.7831, 627.784, 627.7841, 627.7842, 627.7845, 627.786, 627.791, and 627.792, F.S.; revising and clarifying application of provisions relating to title insurance agents, policies, premiums, rates, contracts, charges, and practices; amending s. 625.111, F.S.; specifying the components of unearned premium reserve for certain financial statements; providing a formula for releasing unearned premium reserve over a period of years; providing definitions; amending s. 627.7711, F.S.; revising definitions; amending s. 627.782, F.S.; providing a limitation on payment of portions of premiums for primary title services; creating s. 627.7825, F.S.; specifying certain alternative premium rates to be charged by title insurers for certain title insurance contracts for a certain period; providing requirements; providing limitations; providing for a new home purchase discount; excepting such rates from certain deviation provisions under certain circumstances; creating s. 627.793, F.S.; authorizing the Department of Insurance to adopt rules; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Representative Morrioni—

HB 415—A bill to be entitled An act relating to optical discs; providing definitions; requiring certain manufacturers of optical discs to mark the

discs with certain information; providing penalties for failure to comply; prohibiting certain activities involving unmarked discs or discs on which the mark is altered; providing penalties; prohibiting certain activities involving altering such marks; providing penalties; providing an effective date.

—was referred to the Committees on Criminal Justice and Fiscal Policy.

By the Committee on Real Property and Probate; and Representative J. Miller and others—

CS for HB 417—A bill to be entitled An act relating to real estate brokers and salespersons; amending s. 475.01, F.S.; eliminating the definition of the term “first contact”; amending s. 475.011, F.S.; providing a regulatory exemption for certain registered securities dealers and financial institutions in connection with certain transactions; amending s. 475.181, F.S.; referencing certification requirements of the Florida Real Estate Commission for licensure as a broker or salesperson; amending s. 475.25, F.S.; providing a ground for discipline relating to designation of salespersons as single agents for different customers in certain transactions; providing penalties; conforming cross references; amending s. 475.272, F.S.; revising intent of the Brokerage Relationship Disclosure Act to eliminate required disclosure of nonrepresentation; amending ss. 475.274 and 475.2755, F.S.; conforming cross references; repealing s. 475.276, F.S., relating to notice of nonrepresentation; amending s. 475.278, F.S.; requiring notice relating to disclosure of information prior to engaging in an authorized brokerage relationship; providing applicability or nonapplicability of brokerage relationship disclosure requirements to various real estate transactions; amending s. 475.2801, F.S.; removing a cross reference, to conform; amending ss. 475.482 and 475.483, F.S.; revising eligibility requirements for recovery from the Real Estate Recovery Fund; amending s. 475.5015, F.S.; removing a cross reference, to conform; providing an effective date.

—was referred to the Committee on Regulated Industries.

By Representative Sembler—

HB 467—A bill to be entitled An act relating to hunting and fishing; amending s. 372.57, F.S.; deleting a 3-day nonresident fishing license; creating s. 372.5711, F.S.; providing for review of hunting and fishing license and permit fees and exemptions; providing an effective date.

—was referred to the Committees on Natural Resources and Fiscal Resource.

By the Committee on Tourism and Representative Sembler and others—

CS for HB 519—A bill to be entitled An act relating to spring training franchise facilities; amending s. 125.0104, F.S.; defining the term “retained spring training franchise”; providing that the additional local option tourist development taxes presently authorized to finance the construction or renovation of a professional sports franchise facility may also be used to finance the acquisition, construction, or renovation of a retained spring training franchise facility; correcting a reference; providing an appropriation to the Office of Tourism, Trade, and Economic Development for a grant to a local government for the acquisition, construction, reconstruction, or renovation of a retained spring training franchise facility and providing conditions with respect thereto; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; Commerce and Economic Opportunities; and Fiscal Policy.

By the Committee on Tourism and Representative Starks and others—

HB 579—A bill to be entitled An act relating to tourism; amending s. 288.1221, F.S.; revising legislative intent; amending s. 288.1222, F.S.; clarifying a definition; amending s. 288.1223, F.S.; specifying applica-

tion of a limitation on terms of certain members of the Florida Commission on Tourism; clarifying meeting and vice chair election provisions; amending s. 288.1224, F.S.; deleting obsolete provisions; specifying categories of matching private funds for certain purposes; specifying staff support for the Florida Commission on Tourism; providing for responsibilities of staff; prohibiting the commission from employing staff; deleting provisions relating to an advisory committee for the commission; amending s. 288.1226, F.S.; requiring the Florida Tourism Industry Marketing Corporation to provide staff support to the Florida Commission on Tourism; specifying that the president and chief executive officer shall serve without compensation as executive director; renumbering and amending s. 335.166, F.S.; removing the Welcome Center Office from the Department of Transportation; transferring administrative and fiscal responsibility for welcome center staff from the Department of Transportation to the Florida Commission on Tourism for employment through the Florida Tourism Industry Marketing Corporation by a designated time; requiring the corporation to administer and operate welcome centers; providing for maintenance and improvements to welcome centers; repealing s. 335.165, F.S., relating to welcome stations and the payment for improvements by the Department of Commerce; providing for the transfer of welcome center tangible personal property to the Florida Commission on Tourism; providing effective dates.

—was referred to the Committees on Commerce and Economic Opportunities; Governmental Oversight and Productivity; and Fiscal Policy.

By Representative Crow and others—

HB 717—A bill to be entitled An act relating to bail bonds; amending s. 648.386, F.S.; revising certain continuing education requirements; amending s. 648.44, F.S.; revising requirement relating to bail bond agents; amending s. 903.21, F.S.; providing a definition; amending s.903.26, F.S.; requiring “amending s. 903.25, F.S.; requiring” amending s.903.26, F.S.; requiring discharge of a forfeiture with a time certain; providing an additional criterion for discharge of a forfeiture; requiring a clerk of court to set aside a forfeiture and discharge a bond under certain circumstances; amending s. 903.27, F.S.; providing for tolling certain forfeiture operations under certain circumstances; amending s. 903.28, F.S.; requiring remissions to be granted under certain circumstances; amending s. 903.31, F.S.; providing for expiration of certain bonds under certain circumstances; specifying nonapplication when a bond is declared forfeited; prohibiting reinstatement of original appearance bonds under certain circumstances; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Criminal Justice.

By the Committee on Law Enforcement and Crime Prevention; and Representative Futch—

HB 723—A bill to be entitled An act relating to the placement of rip current warning signs; providing a short title; creating s. 380.275, F.S.; providing for a cooperative effort among state agencies and local governments to plan for and assist in the placement of rip current warning signs; providing that the Department of Community Affairs shall direct and coordinate the program; requiring the development of a uniform rip current warning sign; authorizing the department to coordinate the distribution and erection of rip current warning signs; providing for rules; limiting the liability of participating governmental entities; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; and Fiscal Policy.

By Representative Dockery—

HB 791—A bill to be entitled An act relating to premium security deposits; creating s. 627.4045, F.S.; authorizing insurers to accept and hold premium security deposits for certain purposes; providing a definition; authorizing an insurer to pay interest on such deposits; specifying conditions under which such deposits are considered premium; including such deposits within the definition of covered claim for certain purposes; providing a limitation; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Representative Brown—

HB 811—A bill to be entitled An act relating to child protective team services; amending s. 39.202, F.S.; authorizing the sharing of otherwise confidential information with health plan payors for purposes of reimbursement for child protection team services; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; and Fiscal Policy.

By Representative Boyd and others—

HB 879—A bill to be entitled An act relating to health information privacy; creating s. 627.433, F.S.; limiting carrier disclosure of health information under certain circumstances; requiring disclosure of health information pursuant to subpoena or court order under certain circumstances; providing definitions; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Representative Boyd and others—

HB 885—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.055, F.S.; revising provisions with respect to the Senior Management Service Class to permit certain local government senior managers to withdraw from the Florida Retirement System altogether; providing for matters relative thereto; amending s. 121.055, F.S.; requiring that a judge of compensation claims who is a member of the Florida Retirement System participate in the Senior Management Service Class unless such judge elects to participate in the Senior Management Service Optional Annuity Program; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; and Fiscal Policy.

By Representative Sublette—

HB 897—A bill to be entitled An act relating to insurance; amending s. 626.9541, F.S.; prohibiting as an unfair insurance practice use of certain misleading advertisements; amending s. 626.9551, F.S.; prohibiting any person from engaging in certain acts related to insurance sold in connection with a loan or extension of credit; requiring disclosure of certain information for such transactions; requiring separate documents for policies of insurance for such transactions; prohibiting loan officers who are involved in the loan transaction from soliciting insurance in connection with the same loan, subject to certain exceptions; amending s. 626.592, F.S.; providing that a primary agent need not be designated at each location where an agent conducts certain insurance transactions; creating s. 626.9885, F.S.; requiring financial institutions, as defined, to conduct insurance transactions only through Florida-licensed insurance agents representing certain types of insurers; amending ss. 626.321, 626.730, 629.401, F.S., to conform cross-references; repealing s. 626.988, F.S.; relating to prohibition of insurance activities by persons employed or associated with financial institutions; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Agriculture and Consumer Services.

By Representative Sanderson—

HB 911—A bill to be entitled An act relating to federally funded certain services for children; amending s. 409.26731, F.S.; authorizing the Department of Children and Family Services to annually certify local funds for state match for services to children under the supervision of or in the custody of the department; providing a report; providing an effective date.

—was referred to the Committees on Children and Families; and Fiscal Policy.

By Representative Farkas and others—

HB 957—A bill to be entitled An act relating to health care practitioners; amending ss. 455.565, 458.319, 459.008, 460.407, 461.007, F.S., relating to relicensure requirements for physicians, osteopathic physicians, chiropractic physicians, and podiatrists; revising requirements for submitting fingerprints to the Department of Health for renewal of licensure; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; and Fiscal Policy.

By Representative Feeney and others—

HB 975—A bill to be entitled An act relating to hurricane loss mitigation; providing a short title; creating s. 215.559, F.S.; creating the Hurricane Loss Mitigation Program; requiring the Legislature to annually appropriate certain moneys from the Hurricane Catastrophe Fund to the Department of Community Affairs for certain purposes; specifying purposes and allocations; requiring allocation of certain moneys to the Operations and Maintenance Trust Fund of the Board of Regents for certain purposes; requiring the department to develop certain programs in consultation with an advisory council; specifying council membership; providing construction; requiring the department to annually provide reports and accounting of certain activities; providing for future repeal; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; Banking and Insurance; and Fiscal Policy.

By the Committee on Tourism and Representative Starks and others—

HB 985—A bill to be entitled An act relating to the promotion and development of Florida's entertainment industry; providing a short title; providing legislative findings and intent; creating s. 288.125, F.S.; defining "entertainment industry"; creating s. 288.1251, F.S.; creating the Office of the Film Commissioner; providing procedure for selection of the Film Commissioner; providing powers and duties of the office; creating s. 288.1252, F.S.; creating the Florida Film Advisory Council within the Office of Tourism, Trade, and Economic Development of the Executive Office of the Governor; providing purpose, membership, terms, organization, powers, and duties of the council; creating s. 288.1253, F.S.; providing definitions; requiring the Office of Tourism, Trade, and Economic Development to adopt rules by which it may make specified expenditures for expenses incurred in connection with the performance of the duties of the Office of the Film Commissioner; requiring approval of such rules by the Comptroller; requiring an annual report; authorizing the acceptance and use of specified goods and services by employees and representatives of the Office of the Film Commissioner; providing certain requirements with respect to claims for expenses; providing a penalty for false or fraudulent claims; providing for civil liability; amending s. 14.2015, F.S.; revising purposes of the Office of Tourism, Trade, and Economic Development of the Executive Office of the Governor; amending s. 288.1229, F.S.; revising the purposes of the direct-support organization authorized to assist the Office of Tourism, Trade, and Economic Development in the promotion and development of the sports industry and related industries; specifying the duties of the direct-support organization with respect to the promotion of sports industry, amateur sports, and physical fitness; providing requirements with respect to the Sunshine State Games; providing authority of the Executive Office of the Governor with respect to the use of specified property, facilities, and personal services; amending s. 320.08058, F.S.; revising provisions relating to the Florida United States Olympic Committee license plate to remove references to the Sunshine State Games Foundation; revising the distribution of annual use fees from the sale of the Florida United States Olympic Committee license plate; providing for the reversion of funds and property of the Sunshine State Games Foundation, Inc., and the Florida Governor's Council on Physical Fitness and Amateur Sports to the direct-support organization; specifying use of such funds and property; repealing s. 14.22, F.S.; removing provisions relating to the Florida Governor's Council on Physical Fitness and Amateur Sports within the Office of the Governor, the Sunshine State Games, national and international amateur athletic competitions and Olympic development centers, direct-support organizations, and the Olympics and Pan American Games Task Force; amending ss. 288.108 and 288.90152, F.S.; correcting cross references; repealing s. 288.051, F.S., which provides a

short title; repealing s. 288.052, F.S., relating to legislative findings and intent with respect to the "Florida Film and Television Investment Act"; repealing s. 288.053, F.S., relating to the Florida Film and Television Investment Board; repealing s. 288.054, F.S., relating to the administration and powers of the Florida Film and Television Investment Board; repealing s. 288.055, F.S., relating to the Florida Film and Investment Trust Fund; repealing s. 288.056, F.S., relating to conditions for film and television investment by the board; repealing s. 288.057, F.S., requiring an annual report by the board; repealing s. 288.1228, F.S., relating to the direct-support organization authorized by the Office of Tourism, Trade, and Economic Development to assist in the promotion and development of the entertainment industry; repealing s. 288.12285, F.S., relating to confidentiality of identities of donors to the direct-support organization; providing an appropriation; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; Governmental Oversight and Productivity; and Fiscal Policy.

By the Committee on Community Colleges and Career Prep; and Representative Harrington and others—

HB 1007—A bill to be entitled An act relating to community college distance learning; amending s. 240.311, F.S.; authorizing the State Board of Community Colleges to develop and produce certain work products related to distance learning; authorizing fees for such materials for purposes of educational use; requiring annual postaudits; requiring the adoption of rules; requiring the submission of a report; requiring each community college to submit a summary; providing sanctions for failure to submit the summary; requiring the State Board of Community Colleges to submit an annual report to the Legislature; providing an effective date.

—was referred to the Committees on Education and Fiscal Policy.

By Representative Goode—

HB 1031—A bill to be entitled An act relating to physician assistants; amending s. 39.304, F.S.; allowing a physician assistant to perform a medical examination, and to authorize a radiological examination to be performed, on a child who is suspected to be a victim of abuse, abandonment, or neglect; amending ss. 458.347 and 459.022, F.S.; providing for the appointment of a formulary committee to establish a formulary of medicinal drugs that physician assistants may prescribe; providing for terms and meetings of the formulary committee; providing standards for formulary drugs; providing for the Board of Medicine and the Board of Osteopathic Medicine to adopt the formularies; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; and Fiscal Policy.

By the Committee on Juvenile Justice and Representative Bainter and others—

CS for HB 1033—A bill to be entitled An act relating to education; amending s. 228.041, F.S.; defining "juvenile justice provider" and "school year for juvenile justice programs"; amending s. 228.051, F.S., relating to the organization and funding of required public schools; requiring the public schools of the state to provide instruction for youth in Department of Juvenile Justice programs; amending s. 228.081, F.S.; requiring the development and adoption of a rule articulating expectations for education programs for youth in Department of Juvenile Justice programs; requiring the development of model contracts for the delivery of educational services to youth in Department of Juvenile Justice programs; requiring the Department of Education to provide training and technical assistance; requiring the development of model procedures for transitioning youth into and out of Department of Juvenile Justice programs; requiring the development of model procedures regarding education records; requiring the Department of Education to provide, or contract for the provision of, quality assurance reviews of all juvenile justice education programs; amending s. 229.57, F.S.; revising provisions relating to the statewide assessment program to include schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs; requiring the Department of Education to develop and implement assessment tools to be

used in juvenile justice programs; amending s. 229.58, F.S.; authorizing the establishment of district advisory councils for juvenile justice education programs; amending s. 229.592, F.S.; revising provisions relating to the implementation of the state system of school improvement and education accountability to include schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs; deleting obsolete language; amending s. 230.23, F.S., relating to powers and duties of the school board; revising provisions relating to school improvement plans and public disclosure to include schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs; amending s. 230.23161, F.S., relating to educational services in Department of Juvenile Justice programs; providing legislative intent; requiring the Department of Education to serve as the lead agency; requiring the Department of Education and the Department of Juvenile Justice to designate a coordinator to ensure department participation in certain activities; requiring student access to GED programs; requiring certain funding; revising provisions relating to compulsory school attendance; requiring the development of an academic improvement plan for certain students; providing requirements regarding academic records; requiring provisions for the earning and transfer of credits; providing funding requirements; revising provisions relating to quality assurance standards; requiring the Department of Juvenile Justice site visit and the education quality assurance site visit to take place during the same visit; requiring the establishment of minimum standards; requiring the State Board of Education to adopt rules establishing sanctions for performance below minimum standards; revising requirements regarding an annual report; creating s. 235.1975, F.S., relating to cooperative development of educational facilities in juvenile justice programs; requiring a review and analysis of existing facilities; requiring the development and submission of a plan; requiring the Department of Juvenile Justice to provide certain information to school districts and the Department of Education regarding new juvenile justice facilities; providing an appropriation; providing requirements regarding planning and budgeting; amending s. 237.34, F.S.; requiring each district to expend at least 90 percent of the funds generated by juvenile justice programs on the aggregate total school costs for such programs; amending s. 985.401, F.S.; requiring the Juvenile Justice Accountability Board to study the extent and nature of education programs for juvenile offenders; amending s. 985.413, F.S.; revising the duties of district juvenile justice boards; requiring the development and submission of a plan for education programs in detention centers; amending s. 985.404, F.S., relating to the administration of the juvenile justice continuum; correcting a cross reference; providing an effective date.

—was referred to the Committees on Education, Criminal Justice and Fiscal Policy.

By Representative Kosmas and others—

HB 1077—A bill to be entitled An act relating to notaries public and civil-law notaries; amending s. 15.16, F.S.; authorizing the Secretary of State to issue apostilles; authorizing a fee; amending s. 117.03, F.S., providing for the issuance of certified copies of certificates of commission and certificates of notarial authority; amending s. 118.10, F.S.; clarifying the definition and purposes of authentic acts; providing for a presumption of correctness; expanding and clarifying the Secretary of State's rulemaking powers with regard to authentic acts, acknowledgements, oaths, solemnizations of marriage, and discipline, testing, bonding, and insurance requirements for civil-law notaries; creating s. 118.12, F.S., authorizing the issuance of certificates of notarial authority and apostilles to civil-law notaries; providing an effective date.

—was referred to the Committee on Judiciary.

By Representative Goodlette—

HB 1081—A bill to be entitled An act relating to public records; amending s. 395.3025, F.S.; providing an exemption from public records requirements for specified identifying information relating to active or current employees of a licensed facility and their spouses and children; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; and Rules and Calendar.

By the Committee on Law Enforcement and Crime Prevention; and Representative Futch—

HB 1141—A bill to be entitled An act relating to certification and employment of law enforcement officers; amending s. 943.13, F.S.; specifying misdemeanor violations which affect eligibility for employment or appointment as an officer; amending s. 943.1395, F.S.; requiring the Criminal Justice Standards and Training Commission, after notice and hearing, to issue an order revoking certification upon conviction for a felony or specified misdemeanor; providing for rescission of the order under certain circumstances; amending s. 943.22, F.S.; conforming a cross reference; providing an effective date.

—was referred to the Committee on Criminal Justice.

By the Committee on Agriculture and Representative Bronson and others—

CS for HB 1143—A bill to be entitled An act relating to aquaculture; amending s. 370.027, F.S.; providing that marine aquaculture products are exempt from Fish and Wildlife Conservation Commission resource management rules, except for snook; amending s. 370.06, F.S.; authorizing the Fish and Wildlife Conservation Commission to issue special activity permits for importation and possession of sturgeon; requiring that specific management practices be incorporated into special activity licenses; amending s. 370.10, F.S.; authorizing the taking of saltwater species for aquacultural purposes; amending s. 370.1107, F.S.; making it unlawful to interfere with live bait traps; amending s. 370.26, F.S.; redefining the terms "marine product facility" and "marine aquaculture producer"; amending s. 370.31, F.S.; providing responsibilities for the Sturgeon Production Working Group; amending s. 372.0025, F.S.; amending s. 581.145(3), F.S.; allowing water hyacinths to be sold outside the United States; providing for regulatory responsibilities over the Florida Aquaculture Policy Act; amending s. 372.65, F.S.; providing for an exemption; amending s. 597.0015, F.S.; redefining the term "aquaculture producers"; amending s. 597.004, F.S.; providing for restrictions on aquaculture certificates; amending s. 597.0041, F.S.; providing for the revocation of certificates; creating s. 597.0045, F.S.; providing a cultured shellfish theft reward program; providing for administration; providing a severability clause; providing an effective date.

—was referred to the Committees on Agriculture and Consumer Services; and Natural Resources.

By the Committee on Children and Families; and Representative Murman—

HB 1575—A bill to be entitled An act relating to public meetings and public records; creating s. 414.295, F.S.; providing an exemption from public meetings requirements for any staff meeting, or portion thereof, of the Department of Children and Family Services, Department of Labor and Employment Security, Department of Health, Department of Revenue, WAGES Program State Board of Directors, or a local WAGES coalition, or their contract service providers, at which certain identifying information regarding temporary cash assistance programs, which is restricted pursuant to requirements of federal law, is discussed; providing an exemption from public records requirements for certain identifying information in such entities' records of such programs; authorizing release of confidential information for specified purposes; providing a prohibition; providing procedures for release of information under specified circumstances; providing a finding of public necessity; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Rules and Calendar.

By Representative Bilirakis and others—

HB 1655—A bill to be entitled An act relating to telephone solicitation; amending s. 501.602, F.S.; providing legislative intent; amending s. 501.604, F.S.; providing additional exclusions from the exemptions to pt. IV of ch. 501, F.S., the Florida Telemarketing Act; amending s. 501.616, F.S.; prohibiting specified intentional actions by commercial telephone sellers or salespersons; providing an effective date.

—was referred to the Committee on Regulated Industries.

By the Committee on Real Property and Probate; and Representative Bilirakis and others—

CS for HB 1659—A bill to be entitled An act relating to trusts and trust powers; creating s. 737.2035, F.S.; providing for costs and attorney's fees in trust proceedings; providing applicability; requiring attorneys to give notice to trustees in specified circumstances; allowing courts to adjust attorney's fees when notice is late amending s. 737.306, F.S.; revising standards governing when a successor trustee is not under a duty to institute an action against a prior trustee or the prior trustee's estate; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Judiciary.

By the Committee on Health Care Licensing and Regulation; and Representative Fasano and others—

HB 1843—A bill to be entitled An act relating to public records; creating ss. 458.353 and 459.028, F.S.; providing exemptions from public records requirements relating to information contained in reports of adverse incidents occurring in specified settings; amending s. 455.647(1), F.S., providing exemptions from public records requirements relating to hospital and ambulatory surgical center discipline; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; and Fiscal Policy.

By the Committee on Health Care Licensing and Regulation; and Representative Fasano and others—

HB 1847—A bill to be entitled An act relating to regulation of health care practitioners; creating ss. 458.351 and 459.026, F.S.; requiring reports to the Department of Health of adverse incidents in specified settings; providing for review of such incidents and initiation of disciplinary proceedings, where appropriate; authorizing department access to certain records and preserving exemption from public access thereto; providing rulemaking authority; providing an effective date.

—was referred to the Committees on Health, Aging and Long-Term Care; and Fiscal Policy.

By the Committee on Governmental Operations and Representative Posey and others—

HB 1883—A bill to be entitled An act relating to state-administered retirement systems; amending s. 112.63, F.S.; providing for review and comment on local government retirement system actuarial valuation reports and impact statements on a triennial basis; clarifying the basis of required payments; amending s. 112.65, F.S.; modifying the limitation on benefits for service under more than one retirement system or plan; amending s. 121.011, F.S.; clarifying requirements related to consolidation of existing retirement systems and preservation of rights; amending s. 121.021, F.S.; redefining "creditable service" to conform the definition to existing law; clarifying creditable service provisions for certain school board employees; amending s. 121.031, F.S.; authorizing the Division of Retirement to adopt rules; creating the Florida Retirement System Actuarial Assumption Conference; providing for duties and members; reenacting s. 121.051(6), F.S., relating to Florida Retirement System membership status of blind vending facility operators; reenacting ss. 121.052(7)(a), 121.055(3)(a), and 121.071(1), F.S., relating to contribution rates; amending ss. 121.052, 121.055, and 121.071, F.S., changing contribution rates for specified classes and subclasses of the system; correcting an error; conforming provisions relating to de minimis accounts to federal law; amending s. 121.081, F.S.; clarifying provisions relating to past service and prior service; amending s. 121.091, F.S.; clarifying proof of disability requirements; modifying provisions relating to death benefits to permit purchase of certain retirement credit by joint annuitants; clarifying the contribution rate and interest required to be paid for such purchases; increasing the age at which a Special Risk Class Member must elect whether to participate in the Deferred Retirement Option Program; updating and correcting references; amending s. 121.122, F.S.; correcting a reference; amending 121.24, F.S.; authorizing the State Retirement Commission to adopt rules; amending s.

121.35, F.S.; conforming provisions relating to de minimis accounts to federal law; amending s. 121.40, F.S., to remove reemployment limitations and reenacting subsection (12), relating to contribution rates for the supplemental retirement program for the Institute of Food and Agricultural Sciences at the University of Florida; reenacting s. 413.051(11) and (12), F.S., relating to Florida Retirement System membership eligibility and retirement contribution payments for blind vending facility operators; amending ss. 175.071 and 185.06, F.S.; providing, with respect to the board of trustees for municipal firefighters' pension trust funds and municipal police officers' retirement trust funds that the board may invest in corporations on the National Market System of the Nasdaq Stock Market; repealing s. 121.027, F.S., amending s. 112.18, F.S.; providing presumptions that certain illnesses incurred by law enforcement officers are done so in the line of duty; relating to rulemaking authority for that act; requiring the Board of Trustees of the State Board of Administration to review the actuarial valuation of the Florida Retirement System; requiring the Board to review the process of retirement contribution rates and comment to the legislature; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; and Fiscal Policy.

By the Committee on Health Care Services and Representative Eggleston and others—

CS for HB's 1927 and 961—A bill to be entitled An act relating to managed health care; amending s. 408.05, F.S.; requiring the State Center for Health Statistics to publish health maintenance organization report cards; amending s. 408.7056, F.S.; excluding certain additional grievances from consideration by a statewide provider and subscriber assistance panel; revising panel membership; amending s. 627.6471, F.S.; requiring preferred provider organization policies which do not provide direct patient access to a dermatologist to conform to certain requirements imposed on exclusive provider organization contracts; amending s. 641.31, F.S.; providing for a point-of-service benefit rider on a health maintenance contract; providing requirements; providing restrictions; authorizing reasonable copayment and annual deductible; providing exceptions relating to subscriber liability for services received; amending s. 641.3155, F.S.; providing a process for retroactive reduction of payments of provider claims under certain circumstances; amending s. 641.51, F.S.; requiring that health maintenance organizations provide additional information to the Agency for Health Care Administration indicating quality of care; removing a requirement that organizations conduct customer satisfaction surveys; revising requirements for preventive pediatric health care provided by health maintenance organizations; amending s. 641.58, F.S.; providing for moneys in the Health Care Trust Fund to be used for additional purposes; directing the director of the Agency for Health Care Administration to establish an advisory group on the submission and payment of health claims; providing membership and duties; requiring a report; providing an appropriation; providing effective dates.

—was referred to the Committees on Health, Aging and Long-Term Care; and Fiscal Policy.

By Representative Sanderson—

HB 1969—A bill to be entitled An act relating to designation of facilities and structures; designating a specified bridge in Fort Lauderdale the "E. Clay Shaw, Jr. Bridge"; designating a specified portion of highway in Fort Lauderdale the "Commodore Brook Memorial Causeway"; providing an effective date.

—was referred to the Committee on Transportation.

By the Committee on Business Regulation and Consumer Affairs; and Representative Ogles and others—

HB 1977—A bill to be entitled An act relating to regulation of professions and occupations under the Department of Business and Professional Regulation; creating s. 455.2177, F.S.; requiring the department to establish a system to monitor licensee compliance with applicable continuing education requirements; authorizing the department to contract with one or more vendors for the monitoring of compliance with applicable continuing education requirements by all licensees within

one or more professions regulated by the department; providing contract terms and conditions; providing for funding of contracts; providing sanctions for failure to comply and requiring notice thereof; providing for disposition of fine revenues; providing for exclusivity of sanctions over certain other disciplinary provisions; providing for a dispute resolution process; providing for suspension of a contract for failure of a vendor to meet its contract obligations; providing for waiver under specified circumstances; providing rulemaking authority; creating s. 455.2178, F.S.; providing requirements of continuing education providers with respect to cooperating with such vendors; providing conditions on approval of continuing education providers; providing for revocation of provider approval for failure to comply; providing rulemaking authority; creating s. 455.2179, F.S.; providing limits on continuing education provider approval; providing for cease and desist orders and revocation of provider approval thereunder; amending s. 455.2281, F.S.; providing for allocation of certain funds to cover the costs of continuing education compliance monitoring; providing for crediting, by profession, fines collected under the compliance monitoring system; providing for inclusion of financial and statistical data resulting from compliance monitoring as a separate category in the department's quarterly management report to each board; amending s. 455.224, F.S.; providing for adoption by the department of rules to permit the issuance of citations, whether or not there is a board; amending s. 468.4315, F.S.; authorizing the Regulatory Council of Community Association Managers to adopt rules relating to continuing education providers; amending s. 477.019, F.S.; revising provisions relating to continuing education requirements of cosmetologists; providing an effective date.

—was referred to the Committees on Regulated Industries and Fiscal Policy.

By Representative C. Green and others—

HB 2143—A bill to be entitled An act relating to remedies for unlawful sales of securities; amending s. 517.211, F.S.; limiting the provision of remedies for the unlawful sale of certain sales of securities under certain circumstances; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By the Committee on Governmental Operations and Representative Bloom—

CS for HB 1489—A bill to be entitled An act relating to the Florida Retirement System; creating s. 121.095, F.S.; creating the Florida Retirement System Preservation of Benefits Plan Trust Fund within the Division of Retirement; providing for sources of funds and purpose; providing an exemption from termination; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; and Fiscal Policy.

By the Committee on Transportation and Economic Development Appropriations; and Representative Fuller—

HB 2203—A bill to be entitled An act relating to trust funds; recreating the Florida Public Service Regulatory Trust Fund within the Florida Public Service Commission without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on Fiscal Resource.

By the Committee on Education Appropriations and Representative Wise—

HB 2217—A bill to be entitled An act relating to trust funds; creating s. 235.21955, F.S.; creating the Lottery Capital Outlay and Debt Service Trust Fund within the Department of Education; providing for sources of funds; providing purposes; providing for annual carryforward of funds; providing for transfer of certain funds to the trust fund; proclaiming that the trust fund is exempt from constitutional termination; providing an effective date.

—was referred to the Committee on Fiscal Resource.

By Representative Villalobos and others—

HB 325—A bill to be entitled An act relating to trust funds; amending s. 373.41495, F.S.; creating the Lake Belt Mitigation Trust Fund within the South Florida Water Management District; providing for sources of moneys and purposes; providing an exemption from termination; providing a contingent effective date.

—was referred to the Committees on Natural Resources; Comprehensive Planning, Local and Military Affairs; Fiscal Resource; and Fiscal Policy.

By Representative Fiorentino and others—

HM 531—A memorial to the Congress of the United States, urging Congress to provide the Florida Department of Veterans' Affairs with information available to the United States Government regarding any Florida resident who is classified as a United States POW/MIA.

—was referred to the Committee on Rules and Calendar.

RETURNING MESSAGES—FINAL ACTION

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed SB 180, SB 182, SB 750, CS for SB 1434, CS for SB 1664, SB 1830 and SB 1984.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 23 was corrected and approved.

CO-SPONSORS

Senators Jones—CS for SB 184; Kirkpatrick—CS for SB 2540; Kurth—CS for SB 2540; Mitchell—CS for SB 2540; Sebesta—CS for SB 2540

RECESS

On motion by Senator McKay, the Senate recessed at 6:54 p.m. to reconvene at 9:30 a.m., Tuesday, April 27.

SENATE PAGES

April 26-30

Ivey Alexis Baker, Tallahassee; Jonathan Beskin, Boca Raton; Shannon Blizzard, Tallahassee; Jennifer E. Bridges, Lakeland; Rachel Brigham, Orlando; Gregory S. Brown, Milton; Marlana Martinez, Pembroke Pines; Ra Vonda Nesbitt, Jacksonville; Leslie Nichole Parker, Orlando; Shaun Porter, Brandon; Joshua Pritchard, Orlando; Meredith L. Raynor, Summerville, SC; Cathy Reiter, Summerville, SC; Jennifer L. Rigsby, DeLand; Valerie Robinson, Tallahassee; Princess D. Roshell, Zephyrhills; Michael Russ, Chipley; Brandie Stewart, Brooksville